FEDERAL REGISTER

VOLUME 20 NUMBER 138

Washington, Saturday, July 16, 1955

TITLE 3—THE PRESIDENT

PROCLAMATION 3102

JOHN MARSHALL BICENTENNIAL MONTH

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS John Marshall, soldier, diplomat, legislator, and fourth Chief Justice of the United States, played a vital role in the strengthening of our constitutional form of government; and

WHEREAS his long and distinguished term of office as Chief Justice, from 1801 to 1835, was marked by precedent-setting decisions which have been important factors in developing and maintaining the historic liberties of the people of the United States; and

WHEREAS a wider public knowledge and appreciation of the work and achievements of the great Chief Justice are desirable today in order to strengthen the moral, social, and political structure of our Nation, and to help in the preservation and protection of the lives, liberties, and property of all our people; and

WHEREAS September 24, 1955, is the two hundredth anniversary of the birth of John Marshall, and the Congress, by joint resolution approved on August 13, 1954 (68 Stat. 702) has designated the month of September 1955 as John Marshall Bicentennial Month and has requested the President to issue a proclamation calling upon the people of the United States to observe that month by paying tribute to the achievements and memory of John Marshall:

NOW THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby call upon all interested agencies and organizations throughout the Nation to observe the month of September 1955 as John Marshall Bicentennial Month with appropriate activities and ceremonies commemorative of the inspiring role of John Marshall in our national life, and I urge the people of the United States to take part in such activities and ceremonies.

I also urge the people of the United States to read the Constitution, and to study its history and its interpretations, for a better understanding and appreciation of our country and of John Marshall.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 13th day of July in the year of our Lord nineteen hundred and fifty-five,
[SEAL] and of the Independence of the United States of America the one hundred and eightieth.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 55-5853; Filed, July 15, 1955; 10:18 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 37—GROUP LIFE INSURANCE

EFFECTIVE DATES OF INSURANCE COVERAGE

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (11) of § 37.2 is revoked and paragraph (a) of § 37.3 is amended as set out below.

§ 37.3 *Effective dates of insurance coverage.* (a) The insurance shall be effective on the first day of the first pay period which begins after August 28, 1954: *Provided,* That if the head of an agency has requested in writing on or before August 28, 1954, that a later effective date be set for his agency or any part thereof, the effective date for such agency or part thereof shall be such other date as may be approved by the Civil Service Commission. The insurance of employees serving in cooperation with non-Federal agencies paid in whole or in part from non-Federal funds, made available by the repeal of § 37.2 (a) (11), shall be effective at such date as may hereafter be prescribed by the Commission for the group of which a particular employee is a member following approval by the Commission of arrangements which are placed into effect and provide

(Continued on next page)

CONTENTS

THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

CONTENTS—Continued

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

(1) that the required withholdings and contributions will be made from Federally controlled funds and timely deposited into the Employees' Life Insurance Fund, or (2) that the cooperating non-Federal agency will, by written agreement with the Federal agency, make the required withholdings and contributions from non-Federal funds and will transmit the total of such amounts to the Federal agency for timely deposit into the Employees' Life Insurance Fund.

(Sec. 11, Pub. Law 598, 83d Cong., 68 Stat. 742)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55-5800; Filed, July 15, 1955; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED PIMIENTOS [1]

On March 29, 1955, a notice of proposed rule making was published in the FEDERAL REGISTER (20 F R. 1893) regarding a proposed revision of United States Standards for Grades of Canned Pimientos.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Canned Pimientos are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., 7 U. S. C. 1621 et seq.)

IDENTITY, STYLES, AND GRADES

FILL OF CONTAINER AND DRAINED WEIGHTS

FACTORS OF QUALITY

LOT CERTIFICATION TOLERANCES

SCORE SHEET

AUTHORITY: §§ 52.2681 to 52.2694 issued under sec. 205, 60 Stat. 1090; 7 U. S. C. 1624.

IDENTITY, STYLES, AND GRADES

§ 52.2681 *Identity.* "Canned pimientos" means the canned product prepared from properly prepared, clean, sound, succulent, peeled pods of the pimiento plant (Capsicum annum) as such product is defined in the standard of identity for canned pimientos (21 CFR 52.990) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

§ 52.2682 *Styles of canned pimientos.* (a) "Whole" means canned pimientos consisting of the practically whole, properly trimmed, and properly prepared pod of whole pimientos.

(b) "Whole and pieces" means canned pimientos consisting of a combination of whole pimientos and pieces of whole pimientos. This style shall contain not less than 50 percent, by weight, of whole pimientos.

(c) "Pieces" means canned pimientos consisting of portions of whole pimientos which have been cut or broken into pieces other than sliced or diced.

(d) "Pieces (sliced)" means canned pimientos consisting of whole pods or pieces of pods which have been cut into strips.

(e) "Pieces (diced)" means canned pimientos consisting of whole pods or pieces of pods which have been cut into approximately square pieces.

(f) "Unit" means a practically whole pod or portion of a pod in canned pimientos.

§ 52.2683 *Grades of canned pimientos.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of canned pimientos that possess similar varietal characteristics; that possess a normal flavor; that possess a good color; that are practically uniform in size and shape; that are practically free from defects; that possess a good character; and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 85 points: *Provided,* That the canned pimientos may be fairly uniform in size and shape if the total score is not less than 85 points.

(b) "U. S. Grade C" or "U. S. Standard" is the quality of canned pimientos that possess similar varietal characteristics; that possess a normal flavor; that possess a fairly good color; that are fairly uniform in size and shape; that are fairly free from defects; that possess a fairly good character; and that score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of canned pimientos that fail to meet the requirements of U. S. Grade C or U. S. Standard.

FILL OF CONTAINER AND DRAINED WEIGHTS

§ 52.2684 *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that each container of canned pimientos be filled as full as practicable with pimientos without impairment of quality.

§ 52.2685 *Recommended minimum drained weight.* The minimum drained weight recommendations in Table No. I hereof are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purpose of these grades. The drained weight of canned pimientos is determined by emptying the contents of the container upon a United States Standard No. 8 sieve of proper diameter, inclining the sieve to facilitate drainage, and allowing to drain for two minutes. The drained weight of pimientos in canned pimientos is the weight of the sieve and the drained pimientos less the weight of the dry sieve. A sieve 8 inches in diameter is used for the No. 2½ size can (401 x 411) and smaller sizes; and a sieve 12 inches in diameter is used for containers larger than the No. 2½ size can.

§ 52.2686 *Compliance with recommended minimum drained weights.* Compliance with the recommended minimum drained weights for canned pimientos is determined by averaging the drained weights of all containers which are representative of a specific lot. Such lot is considered as meeting recommendations, if:

(a) At least one-half of the containers meet the recommended minimum drained weight;

(b) The drained weights of the containers which do not meet the recommended minimum drained weight are within the range of variability of good commercial practice; and

(c) The average drained weight of all the containers which are representative of the lot does not fall below the minimum recommended drained weight.

TABLE NO. I—RECOMMENDED MINIMUM DRAINED WEIGHTS (IN OUNCES) OF PIMIENTOS

Container size or designation	Dimensions (inches) or water capacity (fluid ounces)	Styles of canned pimientos				
		Whole	Whole and pieces	Pieces	Pieces (diced)	Pieces (sliced)
4Z Pimiento	2 3/16 x 2	3¼	3¼	3½	2½	3¼
4Z Jar	4.7	3¼	3¼	3½	3¼	3¼
7Z Pimiento	3 x 2 5/16	5¼	5¾	6	6	5¾
7Z Jar	7.8	5½	6	6¼	6¼	6¼
No. 300	3 x 4 7/16	10	10¼	10¼	10¼	10
No. 303	3 3/16 x 4 3/16	11	11¼	11¼	11¼	11
No. 303 Jar	17.0	11¾	11½	11½	11¾	11¾
No. 2	3 7/16 x 4 7/16	13¼	13½	14	14	13¾
No. 2½	4 1/16 x 4 13/16	20¼	20¼	20¼	20¼	20¼
No. 2½ Jar	28.3	20	20¾	20¾	20¾	20
No. 10	6 7/16 x 7	70¾	72¼	74	74¼	71¾

FACTORS OF QUALITY

§ 52.2687 *Ascertaining the grade—* (a) *General.* In addition to considering other requirements outlined in the standards, the following quality factors are evaluated:

(1) *Factors not rated by score points.*
(i) Similar varietal characteristics.
(ii) Flavor.

(2) *Factors rated by score points.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum

[1] Compliance with these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

number of points that may be given each such factor is:

Factors:	Points
Color	30
Uniformity of size and shape	20
Defects	40
Character	10
Total score	100

(3) *Normal flavor* "Normal flavor" means that the canned pimientos have a good, characteristic, normal flavor and odor and are free from objectionable flavors and objectionable odors of any kind.

§ 52.2688 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for such factors and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "8 to 10 points" means 8, 9, or 10 points)

§ 52.2689 *Color*—(a) *General.* The color of canned pimientos has reference to the predominating and characteristic color of the exterior surface of the units of canned pimientos.

(1) "Red" means a red color equal to or darker in color than U. S. D. A. Pimiento Red color standard.

(2) "Reddish Yellow" means a reddish yellow color equal to or darker in color than U. S. D. A. Pimiento Reddish Yellow color standard.

(3) Information regarding these color standards may be obtained by writing to the Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, U. S. Department of Agriculture, Washington 25, D. C.

(b) (*A*) *classification.* Canned pimientos that possess a good color may be given a score of 26 to 30 points. "Good color" means that the overall color of the product is bright and typical of canned pimientos, and that with respect to the following styles:

(1) *Whole, whole and pieces.* At least 90 percent, by count, of all the units shall have at least 90 percent of the exterior surface area of a color equal to or darker red than U. S. D. A. Pimiento Red: *Provided,* That none of the exterior surface area of any unit is lighter in color than U. S. D. A. Pimiento Reddish Yellow· *And further provided,* That in containers which contain less than 10 units, 1 unit may be permitted which has more than 10 percent of the exterior surface area lighter in color than U. S. D. A. Pimiento Red but not lighter in color than U. S. D. A. Pimiento Reddish Yellow if such units do not exceed 10 percent, by count, of the total number of units in all of the containers comprising the sample.

(2) *Pieces, pieces (strips) pieces (diced)* At least 90 percent, by weight, of all the units shall with respect to pieces have at least 90 percent and with respect to strips and diced have at least 75 percent of the exterior surface area of a color equal to or darker red than U. S. D. A. Pimiento Red: *Provided,* That none of the exterior surface area of any unit is lighter in color than U. S. D. A. Pimiento Reddish Yellow.

(c) (*C*) *classification.* Canned pimientos that possess a fairly good color may be given a score of 22 to 25 points. Canned pimientos that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule) "Fairly good color" means that the overall color of the product may be slightly dull but none of the units may be green or of a greenish cast or off color and that with respect to the following styles:

(1) *Whole, whole and pieces.* At least 90 percent, by count, of all the units shall have at least 90 percent of the exterior surface area of a color equal to or darker red than U. S. D. A. Pimiento Reddish Yellow· *Provided,* That in containers which contain less than 10 units, 1 unit may be permitted which has more than 10 percent of the exterior surface area that is lighter in color than U. S. D. A. Pimiento Reddish Yellow if such units do not exceed 10 percent, by count, of the total number of units in all of the containers comprising the sample.

(2) *Pieces, pieces (strips) pieces (diced)* At least 90 percent, by weight, of all the units shall with respect to pieces have at least 90 percent and with respect to strips and diced have at least 75 percent of the exterior surface area of a color equal to or darker red than U. S. D. A. Pimiento Reddish Yellow.

(d) (*SStd.*) *classification.* Canned pimientos that fail to meet the requirements of paragraph (c) of this section or are definitely off color may be given a score of 0 to 21 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule)

§ 52.2690 *Uniformity of size and shape*—(a) *General.* Uniformity of size and shape refers to the degree of variation in size and shape of the units in the respective styles of canned pimientos.

(b) (*A*) *classification.* Canned pimientos that are practically uniform in size and shape may be given a score of 17 to 20 points. "Practically uniform in size and shape" has the following meanings with respect to the following styles of canned pimientos:

(1) *Whole.* The individual pods, when flattened, measure not less than 1½ inches in any dimension, may vary moderately in size and shape, and the largest unit does not exceed the size of the second smallest unit by more than ¾ inch in any dimension.

(2) *Whole and pieces.* The whole pods meet requirements of whole as provided under subparagraph (1) of this paragraph, and the pieces of pimiento may be variable in size and shape, and not more than 5 percent, by weight, of all the units are less than 1 square inch in area.

(3) *Pieces.* The units may be variable in size and shape and contain not more than 5 percent, by weight, of units which are less than 1 square inch in area.

(4) *Pieces (sliced)* The units are reasonably uniform in size and shape and the aggregate weight of all strips less than 1¼ inches in length does not exceed 25 percent, by weight, of all the units.

(5) *Pieces (diced)* The units are reasonably uniform in size and shape and the aggregate weight of all the units which are noticeably smaller than one-half the area of an average size diced unit and of all markedly large and irregular shaped units does not exceed 15 percent, by weight, of all the units.

(c) (*C*) *classification.* If the canned pimientos are fairly uniform in size and shape a score of 14 to 16 points may be given. "Fairly uniform in size and shape" has the following meanings with respect to the following styles of canned pimientos:

(1) *Whole.* The individual pods, when flattened, measure not less than 1¼ inches in any dimension, may vary considerably in size and shape, and the largest unit does not exceed the size of the second smallest unit by more than 1 inch in any dimension.

(2) *Whole and pieces.* The whole pods meet requirements of whole as provided under subparagraph (1) of this paragraph, and the pieces of pimiento may be markedly irregular in size and shape, and not more than 10 percent, by weight, of all the units are less than 1 square inch in area.

(3) *Pieces.* The units may be markedly irregular in size and shape and contain not more than 10 percent, by weight, of units which are less than 1 square inch in area.

(4) *Pieces (sliced)* The units are fairly uniform in size and shape and the aggregate weight of all strips less than 1¼ inches in length does not exceed 35 percent, by weight, of all the units.

(5) *Pieces (diced)* The units are fairly uniform in size and shape and the aggregate weight of all the units which are noticeably smaller than ½ the area of an average size diced unit and of all markedly large and irregular shaped units does not exceed 25 percent, by weight, of all the units.

(d) (*SStd.*) *classification.* Canned pimientos that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule)

§ 52.2691 *Defects*—(a) *General.* Defects refers to the degree of freedom from grit, sand, or silt, seeds, undeveloped seeds, core and stem material, peel, pitted or perforated units, trimmed units, and blemished and discolored units. Insignificant pieces of charred peel at the stem end and the blossom end will be disregarded.

(1) "Grit, sand, or silt" means any particle of earthy material.

(2) "Well trimmed" means that the unit is neatly and evenly trimmed at the stem end and when trimmed at the blossom end is so trimmed as to substantially preserve its normal size and shape. When the blossom end is trimmed, the hole resulting from such trimming is not more than ¾ inch in diameter.

(3) "Fairly well trimmed" means that the unit is not excessively trimmed at the stem end, blossom end, or on the surface, or trimmed to such an extent as to seriously affect the appearance of the unit. When the blossom end is

trimmed, the hole resulting from such trimming is not more than 1 inch in diameter.

(b) *(A) classification.* Canned pimientos that are practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that the product does not contain peel, grit, sand, or silt, blemished units, internal and external discoloration, or other defects which materially affect the appearance or eating quality of the unit. The pods in whole and whole and pieces may be well trimmed and may be split or torn not more than ⅔ the length of the unit: *Provided,* That the appearance or eating quality of the split or torn unit is not materially affected, and that there may be present with respect to the following styles of canned pimientos:

(1) *"Whole" or "whole and pieces."* Not more than an average of 4 seeds, including loose seeds, or the equivalent of immature seeds per pod or the equivalent thereof.

(2) *"Pieces," "pieces (sliced)" "pieces (diced)"* Not more than 4 seeds or the equivalent of immature seeds for each 4 ounces, net weight, of the product.

(c) *(C) classification.* Canned pimientos that are fairly free from defects may be given a score of 28 to 33 points. Canned pimientos that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule) "Fairly free from defects" means that the presence of peel, grit, sand, or silt, blemished units, internal or external discoloration, or other defects do not seriously affect the appearance or eating quality of the unit. The pods in whole and whole and pieces may be fairly well trimmed but not frayed, ragged, torn, or split to the extent that the appearance or eating quality of the unit is seriously affected, and that there may be present with respect to the following styles of canned pimientos:

(1) *"Whole" or "whole and pieces."* Not more than an average of 6 seeds, including loose seeds, or the equivalent of immature seeds per pod or the equivalent thereof.

(2) *"Pieces," "pieces (sliced)" "pieces (diced)"* Not more than 6 seeds or the equivalent of immature seeds for each 4 ounces, net weight, of the product.

(d) *(SStd.) classification.* Canned pimientos that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule)

§ 52.2692 *Character—(a) General.* Character refers to the texture of the unit and the condition of the flesh.

(b) *(A) classification.* Canned pimientos that possess a good character may be given a score of 8 to 10 points. "Good character" means that the units are firm fleshed and tender without apparent disintegration.

(c) *(C) classification.* If the canned pimientos possess a fairly good character a score of 6 or 7 points may be given. Canned pimientos that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule) "Fairly good character" means that the units may be somewhat lacking in firmness and may show some evidence of disintegration but are not soft or mushy.

(d) *(SStd.) classification.* Canned pimientos that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 5 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule)

LOT CERTIFICATION TOLERANCES

§ 52.2693 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of canned pimientos the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, (1) all containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification; and (2) with respect to those factors which are scored:

(i) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(ii) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(iii) None of the containers falls more than one grade below the grade indicated by the average of such total scores; and

(iv) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample.

SCORE SHEET

§ 52.2694 *Score sheet for canned pimientos.*

Size and kind of container	
Container mark or identification	
Label	
Net weight (ounces)	
Vacuum (inches)	
Drained weight (ounces)	
Style	
Size of whole pimientos (inches)	
Count of whole pimientos	

Factors	Score points		
Color	30	(A)	28-30
		(C)	[1]22-25
		(SStd.)	[1]0-21
Uniformity of size and shape	20	(A)	17-20
		(C)	14-16
		(SStd.)	[1]0-13
Defects	40	(A)	34-40
		(C)	[1]28-33
		(SStd.)	[1]0-27
Character	10	(A)	8-10
		(C)	[1]6-
		(SStd.)	[1]0- 5
Total score	100		

Grade	
Flavor	

[1] Indicates limiting rule.

The United States Standards for Grades of Canned Pimientos (which is the second issue) contained in this subpart shall become effective 30 days after publication hereof in the FEDERAL REGISTER, and will thereupon supersede the United States Standards for Grades of Canned Pimientos which have been in effect since October 6, 1933.

Dated: July 12, 1955.

[SEAL] F. R. BURKE,
Acting Deputy Administrator, Marketing Services.

[F. R. Doc. 55-5802; Filed, July 15, 1955; 8:45 a. m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[1023 (Peanuts-55)-1, Amdt. 2]

PART 729—PEANUTS

FARM ACREAGE; RIGHT TO APPEAL NORMAL YIELD DETERMINATION

Basis and purpose. The two amendments to the Marketing Quota Regulations for the 1955 Crop of Peanuts herein contained are issued under the peanut marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, for the purpose of (1) clarifying the definition of the term "Farm Peanut Acreage" and (2) providing an appeal from the determination of "Normal Yields"

The first of the amendments effects no substantial change in the regulations, issued pursuant to notice (19 F. R. 5062), but will serve to clarify their operation. The second of the amendments provides for an additional procedural right. Since these amendments are issued for the purpose of clarification and to provide the producer with an advantageous additional right and since the growing season for the 1955 crop of peanuts is now well advanced and the harvest of the crop will soon begin, it is hereby determined and found that compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act (5 U. S. C. 1003) is impractical, unnecessary, and contrary to the public interest, and the amendments contained herein shall be effective upon the filing of this document with the Director, Division of the Federal Register.

1. Paragraph (i) of § 729.611 of the Marketing Quota Regulations for the 1955 Crop of Peanuts (19 F. R. 6134) is amended to read as follows:

§ 729.611 *Definitions.* * * *

(i) "Farm peanut acreage" means the acreage on the farm planted to peanuts in 1955 less the acreage not picked or threshed as determined by the county office manager in accordance with the applicable subparagraph (1), (2) or (3) of this paragraph.

(1) If any of the acreage planted to peanuts on the farm is to be hogged-off, the farm operator shall so notify the county office manager who will arrange to have the hogged-off acreage inspected

by a representative of the county committee to determine if any of the peanuts from the hogged-off acreage have been or can be dug. Either the hogged-off acreage or the picked and threshed acreage shall be measured to establish the exact acreage picked or threshed. However, if the planted acreage of peanuts on a farm is not in excess of the larger of the farm allotment or one acre, the county office manager may accept the operator's estimate of the acreage to be hogged-off, in which case, the remaining acreage will be the farm peanut acreage. If the farm operator fails to notify the county office manager that an acreage of peanuts on the farm is to be hogged-off, and a representative of the county committee, therefore, does not inspect the acreage claimed to have been hogged-off in sufficient time to make a positive determination, the entire planted acreage of peanuts on the farm subject to the provisions of subparagraphs (2) and (3) of this paragraph shall be the farm peanut acreage.

(2) If any acreage planted to peanuts on the farm is to be left in the ground, the farm operator shall so notify the county office manager who will arrange to have such acreage inspected at a time when the nuts can no longer be removed from the ground by digging, to determine if any peanuts from such acreage have been dug. Either the acreage of peanuts left in the ground or the picked and threshed acreage of peanuts shall be measured to determine the exact picked and threshed acreage. However, if the planted acreage is not in excess of the larger of the farm allotment or one acre, the county office manager may accept the operator's estimate of the acreage to be left in the ground, in which case, the remaining acreage will be the farm peanut acreage. If the farm operator fails to notify the county office manager that an acreage of peanuts on the farm is to be left in the ground, and a representative of the county committee, therefore, does not inspect the acreage claimed to have been left in the ground in sufficient time to make a positive determination, the entire planted acreage of peanuts on the farm subject to the provisions of subparagraphs (1) and (3) of this paragraph shall be the farm peanut acreage.

(3) Any acreage of peanuts that is dug shall be considered as picked and threshed, unless the farm operator arranges with the county office manager for a representative of the county committee to inspect and determine the quantity of dug peanuts which are representative of peanuts produced on the farm that are in such condition that they cannot then or in the future be picked or threshed, and furnishes satisfactory evidence from which the percentage of the total dug peanut production on the farm represented by said quantity of representative dug peanuts which have not been picked or threshed can be determined. Such percentage of the acreage of dug peanuts shall be the acreage to be deducted from the planted acreage under the provisions of this subparagraph.

Provided, however That:

(4) The farm peanut acreage shall be considered equal to the farm allotment on a farm for which such allotment equals or exceeds one acre, if the acreage in excess of the farm allotment from which peanuts are picked or threshed is not greater than one-tenth acre or three percent of the farm allotment, whichever is larger;

(5) The farm peanut acreage shall be considered equal to one acre on a farm for which the farm allotment is equal to or less than one acre and the acreage from which peanuts are picked or threshed does not exceed 1.1 acres; but the provisions of this subparagraph and of subparagraph (4) of this paragraph shall not apply unless a quantity of peanuts equal to the county office manager's estimate of the production from the acreage in excess of the larger of the farm allotment, or one acre, is disposed of on the farm in a manner approved by the county committee so that the peanuts cannot thereafter be used or marketed as peanuts: *Provided, further* That the maximum acreage limit prescribed in this subparagraph shall not be applicable if the State committee concurs in the findings and recommendations of the county committee that the unusual circumstances from which the excess resulted are such that the maximum limitation should not apply.

2. The Marketing Quota Regulations for the 1955 Crop of Peanuts are amended by adding a new § 729.632, to read as follows:

§ 729.632 *Right to appeal normal yield determination.* Any producer who is dissatisfied with the normal yield established for his farm may file an appeal for reconsideration of the determination. The request for appeal and facts constituting a basis for such consideration must be submitted in writing and postmarked or delivered to the county committee within fifteen days after the date of mailing the notice of farm normal yield. If the applicant is dissatisfied with the decision of the county committee with respect to his appeal, he may appeal to the State committee within fifteen days after the date of mailing of the notice of the decision of the county committee. If the applicant is dissatisfied with the decision of the State committee, he may, within fifteen days after the date of mailing of the notice of the decision of the State committee, appeal to the Deputy Administrator for Production Adjustment whose decision shall be final.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 358, 359, 361–368, 372, 373, 374, 376, 388, 52 Stat. 38, 62, 63, 64, 65, 66, 68, as amended; 55 Stat. 88, as amended; 7 U. S. C. 1301, 1358, 1359, 1361–1368, 1372, 1373, 1374, 1376, 1388)

Done at Washington, D. C., this 13th day of July 1955. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-5810; Filed, July 15, 1955; 8:50 a. m.]

[Amdt. 2]

PART 730—RICE

SUBPART—RICE MARKETING QUOTAS FOR THE 1955 CROP

RATE OF PENALTY

The purpose of this amendment is to establish the monetary rate of penalty for any farm marketing excess determined in connection with the 1955 rice marketing quota program at 50 percent of the June 15, 1955, parity price of rice as required by Public Law 117, 83d Congress.

Since the only purpose of this amendment is to announce the penalty in cents per pound calculated in accordance with a mathematical formula prescribed by statute, is hereby found and determined that compliance with the provisions of the Administrative Procedure Act with respect to notice, public procedure thereon, and effective date is unnecessary, and the amendment herein shall become effective upon the date of its publication in the FEDERAL REGISTER.

Section 730.675 of the 1955 rice marketing quota regulations is hereby amended to read as follows:

§ 730.675 *Rate of penalty.* The rate of penalty applicable to 1955 crop rice shall be 2.7 cents per pound, which is 50 per centum of the parity price per pound of rice as of June 15, 1955, which is determined to be 5.44 cents per pound.

(Sec. 375, 52 Stat. 66 as amended; 7 U. S. C. 1375. Interprets or applies 63 Stat. 1060; 7 U. S. C. 1356)

Done at Washington, D. C., this 13th day of July 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-5811; Filed, July 15, 1955; 8:50 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 45]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.345 *Valencia Orange Regulation 45*—(a) *Findings.* (1) Pursuant to Order No. 22 (19 F R. 1741), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective March 31, 1954, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on July 14, 1955, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order* (1) The quantity of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., July 17, 1955, and ending at 12:01 a. m., P. s. t., July 24, 1955, is hereby fixed as follows:

(i) District 1. Unlimited movement;

(ii) District 2: 508,200 boxes;

(iii) District 3: Unlimited movement.

(2) Valencia oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "handler," "boxes," "District 1," "District 2," and "District 3," shall have the same meaning as when used in said order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 15, 1955.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-5854; Filed, July 15, 1955; 11:47 a. m.]

[Plum Order 17]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.516 *Plum Order 17*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than July 17, 1955. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 12, 1955; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 12, 1955, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 17, 1955, and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time of this section.

(b) *Order* (1) During the period beginning at 12:01 a. m., P. s. t., July 17, 1955, and ending at 12:01 a. m., P. s. t., November 1, 1955, no shipper shall ship from any shipping point during any day any package or container of Ace, Mariposa or Elephant Heart varieties of plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) Such plums are of a size not smaller than a size that will pack a 4 x 5 standard pack.

(2) Section 936.143 of the rules and regulations, as amended (§ 936.100 et seq., 18 F. R. 712, 2839; 19 F. R. 425), sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(3) As used in this section, "U. S. No. 1" and "serious damage" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh) (§§ 51.1520 to 51.1530 of this title) "standard pack" shall have the applicable meanings of the terms "standard pack" and "equivalent size" as when used in § 936.142 of the aforesaid amended rules and regulations; and all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 14, 1955.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-5823; Filed, July 15, 1955; 8:52 a. m.]

[Lemon Reg. 598]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATIONS OF SHIPMENTS

§ 953.705 *Lemon Regulation 598*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 19 F. R. 7175; 20 F. R. 2913) regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication

thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on July 13, 1955, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., July 17, 1955, and ending at 12:01 a. m., P. s. t., July 24, 1955, is hereby fixed as follows:

(i) District 1. Unlimited movement;

(ii) District 2: 600 carloads;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "carloads," "District 1," "District 2," and "District 3" shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated. July 14, 1955.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-5843; Filed, July 15, 1955; 8:58 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 124]

PART 608—RESTRICTED AREAS

ALTERATION

The restricted area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and is adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure, and effective date provisions of Section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

A temporary restricted area is established, to be known as "Northeast, U. S.", described as follows:

Name	Description by geographical coordinates	Designated altitudes	Time of designation	Controlling agency
Northeast, U. S.	Beginning at a point N. latitude 32°, W. longitude 69°; thence to N. latitude 44° W. longitude 69°; thence to N. latitude 51° W longitude 75°; thence to N. latitude 51° W longitude 83°; thence to Lansing, Mich., VOR; thence to Indianapolis, Ind., VOR; thence to Nashville, Tenn., VOR; thence to Flat Rock, Va., VOR; thence to point of beginning; excluding that portion in Canada, lying beyond the U. S.-Canadian boundary. (The Canadian authorities are taking necessary action to designate the area lying within Canadian territory.)	27000 feet mean sea level and above.	Hours of darkness from July 18 through July 29.	Headquarters, United States Air Force.

NOTE: This affects §§ 608.16, 608.17, 608.22, 608.25, 608.27 to 608.30, 608.37, 608.38, 608.40, 608.43, 608.46, 608.47, 608.50, 608.53, 608.54, 608.56.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies Sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on July 18, 1955.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55-5779; Filed, July 15, 1955; 8:45 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1955 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 1, Barley]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1955 CROP BARLEY LOAN AND PURCHASE AGREEMENT PROGRAM

COUNTY SUPPORT RATES; ILLINOIS AND INDIANA

The 1955 C. C. C. Grain Price Support Bulletin 1, as amended, (20 F. R. 3017 and 4563) issued by Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1955 was supplemented by 1955 C. C. C. Grain Price Support Bulletin 1, Supplement 1, Barley, (20 F. R. 3584), containing specific requirements applicable to price support operations on the 1955 barley crop. The regulations in this part are further supplemented by the following:

Section 421.1083 (c) (1) is amended by adding to the list of basic county support rates as follows:

ILLINOIS — County	Rate (No. 2 or better)
Clark	$1.00
Coles	1.01
Hardin	.95
Henderson	$0.99
McDonough	.99
Macon	1.01
Menard	1.01
Piatt	1.01
INDIANA	
Blackford	$0.99
Brown	.95
Clinton	1.00
Decatur	.95
Fountain	.99
Howard	.99
Jay	.98
Newton	1.03
Vigo	1.03
Warren	1.02

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053; 15 U. S. C. 714, 7 U. S. C. 1447, 1421)

Issued this 13th day of July 1955.

[SEAL] EARL M. HUGHES,
Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 55-5809; Filed, July 15, 1955; 8:50 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6146]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

HOME SEWING MACHINE CO.

Subpart—*Advertising falsely or misleadingly:* § 13.70 *Fictitious or misleading guarantees;* § 13.155 *Prices:* Exaggerated as regular and customary; product or quantity covered; savings and discounts subsidized; § 13.200 *Sample, offer or order conformance;* § 13.260 *Terms and conditions;* § 13.275 *Undertakings, in general.* Subpart—*Appropriating trade name or mark wrongfully:* § 13.295 *Appropriating trade name or mark wrongfully:* Product. Subpart—*Misbranding or mislabeling:* § 13.1325 *Source or origin.* Maker or seller, etc., place: *Imported product or parts as domestic.* Subpart—*Misrepresenting*

oneself and goods—Goods: § 13.1745 *Source or origin.* Maker or seller, etc., place: *Imported product or parts as domestic.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1900 *Source or origin:* Foreign product as domestic. Subpart—*Offering unfair improper and deceptive inducements to purchase or deal:* § 13.1980 *Guarantee, in general;* § 13.2060 *Sample, offer or order conformance;* § 13.2080 *Terms and conditions;* § 13.2090 *Undertakings, in general.* Subpart—*Passing off:* § 13.2105 *Passing off.* Subpart—*Using misleading name*—Goods: § 13.2345 *Source or origin.* Maker; place: *Foreign product or parts as domestic.* In connection with the offering for sale, sale, or distribution of sewing machines, sewing machine heads, or other merchandise in commerce: (1) Offering for sale, selling, or distributing foreign-made sewing machine heads, or sewing machines of which foreign-made heads are a part, without clearly and conspicuously disclosing on the heads, in such a manner that it will not be hidden or obliterated, the country or origin thereof; (2) representing, directly or by implication, that a price for merchandise is the regular price when it is in excess of the price at which said merchandise is regularly and customarily sold in the normal course of business; (3) representing, directly or by implication, that any savings are afforded on the sale of merchandise unless the represented savings are based upon the price at which the merchandise offered is regularly and customarily sold in the normal course of business; (4) representing, directly or by implication, that certain merchandise is offered for sale when such offer is not a bona fide offer to sell the merchandise so offered; (5) representing, directly or by implication, that respondents' sewing machine heads or sewing machines are guaranteed for 20 years or for any period of time, or that they are otherwise guaranteed unless the nature and extent of the guarantee, the identity of the guarantor, and the manner in which the guarantor will perform are clearly and conspicuously disclosed; (6) representing, directly or by implication, that the price of a sewing machine includes any attachments for which an additional charge is made; (7) representing, directly or by implication, that sewing or dressmaking lessons are furnished with the purchase of a sewing machine, unless personal instructions are actually provided for the purchaser of their sewing machines; and (8) using the word "Home" or any simulation thereof, as a trade or brand name to designate, describe, or refer to respondents' imported sewing machines or sewing machine heads; or representing, through the use of any other word or words, or in any other manner, that their sewing machines or sewing machine heads are made by anyone other than the actual manufacturer; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Michael A. Lombardi et al. d. b. a. Home Sewing Machine Company, Baltimore, Md., Docket 6146, June 25, 1955]

No. 138——2

In the Matter of Michael A. Lombardi and Ada T. Lombardi, Copartners Doing Business as Home Sewing Machine Company

This proceeding was heard by Abner E. Lipscomb, hearing examiner, upon the complaint of the Commission which charged respondents with unfair methods of competition and unfair and deceptive acts and practices in connection with the sale of imported and domestic sewing machines, in violation of the Federal Trade Commission Act, and upon a Stipulation for Consent Order, which was submitted to the hearing examiner pursuant to an agreement entered into by respondents with counsel supporting the complaint, following the filing of their answer, and which disposed of all the issues involved in the proceeding.

It was set forth in said Stipulation for Consent Order that respondents admitted all the jurisdictional allegations set forth in the complaint and that the record might be taken as if the Commission had made findings of jurisdictional facts in accordance therewith; that respondents withdrew their answer and expressly waived a hearing before a hearing examiner or the Commission; the making of findings of fact or conclusions of law by the hearing examiner or the Commission; the filing of exceptions and oral argument before the Commission; and all further and other procedure before the hearing examiner or the Commission to which respondents might be entitled under the Federal Trade Commission Act or the rules of practice of the Commission.

Respondents further agreed that the order contained in the stipulation should have the same force and effect as if made after a full hearing, presentation of evidence, and findings and conclusions thereon; specifically waived any and all right, power, or privilege to challenge or contest the validity of such order; and agreed that said Stipulation for Consent Order, together with the complaint, should constitute the entire record in the proceeding, upon which the initial decision should be based; and it was further set forth that the complaint might be used in construing the terms of said order, which might be altered, modified, or set aside in the manner provided by statute for orders of the Commission, and that the signing of the Stipulation for Consent Order was for settlement purposes only, and did not constitute an admission by respondents of any violation of law alleged in the complaint.

Thereafter, said hearing examiner made his initial decision in which he set forth the aforesaid facts and stated that for all legal purposes respondents' answer would be regarded as withdrawn; concluded, in view of the aforesaid facts and the further fact that the order embodied in the aforesaid stipulation was identical with that which accompanied the complaint except for clarification of Paragraph "8" thereof by the addition of the word "imported" in describing the product, that such order would safeguard the public interest to the same extent as could be accomplished by the issuance of an order after full hearing and all other adjudicative procedure waived in said stipulation; and, accordingly, in consonance with the terms of said stipulation, accepted said Stipulation for Consent Order submitted in the matter, found that the proceeding was in the public interest, and issued his order to cease and desist.

Thereafter said initial decision, including said order, as announced and decreed by "Decision of the Commission and Order to File Report of Compliance" dated June 24, 1955, became, on June 25, 1955, pursuant to § 3.21 of the Commission's rules of practice, the decision of the Commission.

Said order to cease and desist is as follows:

It is ordered, That the Respondents Michael A. Lombardi and Ada T. Lombardi, individually and as copartners doing business as Home Sewing Machine Company, or under any other name, and Respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of sewing machines, sewing machine heads or other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale, selling or distributing foreign-made sewing-machine heads, or sewing machines of which foreign-made heads are a part, without clearly and conspicuously disclosing on the heads, in such a manner that it will not be hidden or obliterated, the country of origin thereof;

2. Representing, directly or by implication, that a price for merchandise is the regular price when it is in excess of the price at which said merchandise is regularly and customarily sold in the normal course of business;

3. Representing, directly or by implication, that any savings are afforded on the sale of merchandise unless the represented savings are based upon the price at which the merchandise offered is regularly and customarily sold in the normal course of business;

4. Representing, directly or by implication, that certain merchandise is offered for sale when such offer is not a bona fide offer to sell the merchandise so offered;

5. Representing, directly or by implication, that their sewing-machine heads or sewing machines are guaranteed for 20 years or for any period of time, or that they are otherwise guaranteed unless the nature and extent of the guarantee, the identity of the guarantor, and the manner in which the guarantor will perform are clearly and conspicuously disclosed;

6. Representing, directly or by implication, that the price of a sewing machine includes any attachments for which an additional charge is made;

7. Representing, directly or by implication, that sewing or dressmaking lessons are furnished with the purchase of a sewing machine, unless personal instructions are actually provided for the purchasers of their sewing machines;

8. Using the word "Home," or any simulation thereof, as a trade or brand

name to designate, describe, or refer to their imported sewing machines or sewing-machine heads; or representing, through the use of any other word or words, or in any other manner, that their sewing machines or sewing-machine heads are made by anyone other than the actual manufacturer.

By said "Decision of the Commission" etc., report of compliance was required as follows:

It is ordered, That Respondents Michael A. Lombardi and Ada T. Lombardi, copartners doing business as Home Sewing Machine Company, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued. June 24, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 55-5812; Filed, July 15, 1955; 8:51 a. m.]

[Docket 6313]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

JEANNE D'OR MODES, INC., ET AL.

Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition. Wool Products Labeling Act;* § 13.1325 *Source or origin.* Maker or seller, etc.. *Wool Products Labeling Act.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition.* Wool Products Labeling Act; § 13.1900 *Source or origin.* Wool Products Labeling Act. In connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, or distribution in commerce, of ladies' coats or other "wool products" as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool" "reprocessed wool", or "reused wool" as those terms are defined in said Act, misbranding such products by: 1. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers included therein; 2. failing to securely affix to or place on each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner: (a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers; (b) the maximum percentage of the total weight of such wool product of any non-fibrous loading, filling, or adulterating matter; (c) the name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution, or delivery for shipment thereof in commerce as "commerce" is defined in the Wool Products Labeling Act of 1939; and 3. failing to separately set forth on the required stamp, tag, label, or other means of identification the character and amount of the constituent fibers appearing in the interlinings of such wool products, as provided in Rule 24 of the Rules and Regulations promulgated under the said Act (§ 300.24 of this chapter) prohibited, subject to the proviso, however, that the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs "(a)" and "(b)" of Section 3 of the Wool Products Labeling Act of 1939 and to the further provision that nothing contained in the order shall be construed as limiting any applicable provisions of said Act or the Rules and Regulations promulgated thereunder.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 721, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U. S. C. 45, 68-68c)

[Cease and desist order, Jeanne D'Or Modes, Inc., et al., New York, N. Y., Docket 6313, June 14, 1955]

In the Matter of Jeanne D'Or Modes, Inc., a Corporation, and Sol Gelfond and Larry Goldwater Individually and as Officers of said Corporation

This proceeding was heard by Loren H. Laughlin, hearing examiner, upon the complaint of the Commission which charged respondents with having violated the Federal Trade Commission Act and the Wool Products Labeling Act of 1939 and the Rules and Regulations promulgated under the latter, in connection with the manufacture for introduction into commerce and the introduction into commerce, etc., of certain wool products, some of which were misbranded in various particulars, and among which were certain ladies' coats falsely labeled or tagged as consisting of "100% Cashmere" and "100% Imported Cashmere" and certain wool coats which lacked labels or tags separately setting forth the fiber content of their interlinings; and upon a stipulation in writing which was entered into by respondents with counsel supporting the complaint, (1) in which respondents waived the filing of an answer and agreed that a consent order against them be entered in terms identical with those contained in the notice issued and served on them as a part of the complaint; and (2) which was approved in writing by the Director and Assistant Director of the Commission's Bureau of Litigation.

By said stipulation, it was set forth, among other things, that respondents admitted all the jurisdictional allegations of the complaint and agreed that the record in the matter might be taken as if the Commission had made findings of jurisdictional facts in accordance with such allegations; that the parties had expressly waived a hearing before the hearing examiner or the Commission and all further and other procedure to which the respondents might be entitled under the Federal Trade Commission Act or the Rules of Practice of the Commission, and had agreed that the order to cease and desist issued in accordance with said stipulation should have the same force and effect as if made after a full hearing, the parties having waived specifically therein any and all right, power, or privilege to challenge or contest the validity of said order; and that it was also stipulated and agreed that the complaint in the matter might be used in construing the terms of the order provided for in said stipulation, and, further, that the signing of said stipulation was for settlement purposes only and did not constitute an admission by respondents that they had violated the law as alleged in the complaint.

Thereafter, said stipulation for consent order, as thus approved, having been submitted to said hearing examiner for his consideration in accordance with Rules V and XXII of the Commission's Rules of Practice, said hearing examiner made his initial decision in which he set forth the aforesaid matters; upon due consideration of the complaint and the stipulation for consent order, which he accepted and ordered filed as a part of the record in the matter—it having been stipulated that they should be the entire record on which such order might be entered—found that the Commission had jurisdiction of the subject matter of the proceeding and of the parties respondent; that complaint stated a legal cause for complaint against them under said Acts and Rules and Regulations, both as an entity and in each of the particular violations alleged therein; that the proceeding was in the interest of the public; that the order to be issued, as proposed in said stipulation, was appropriate for the disposition of the proceeding, the same to become final when it became the order of the Commission; and that said order should therefore be entered; and in which, accordingly, he entered the same.

Thereafter said initial decision, including said order, as announced and decreed by "Decision of the Commission and Order To File Report of Compliance" dated June 14, 1955, became, on said date, pursuant to § 3.21 of the Commission's Rules of Practice, the decision of the Commission.

Said order to cease and desist is as follows:

It is ordered, That the respondent Jeanne D'Or Modes, Inc., a corporation, and its officers and Sol Gelfond and Larry Goldwater, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of ladies' coats or other "wool products" as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain or in any way are represented as containing "wool," "reprocessed wool," or "reused

wool," as those terms are defined in said Act, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers included therein;

2. Failing to securely affix to or place on each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool product of any nonfibrous loading, filling, or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution, or delivery for shipment thereof in commerce as "commerce" is defined in the Wool Products Labeling Act of 1939.

3. Failing to separately set forth on the required stamp, tag, label, or other means of identification the character and amount of the constituent fibers appearing in the interlinings of such wool products, as provided in § 300.24 of this chapter.

Provided, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939, *And provided further* That nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

By said "Decision of the Commission," etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 14, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 55-5807; Filed, July 15, 1955; 8:50 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 20—SPECIAL REGULATIONS

ROCKY MOUNTAIN NATIONAL PARK, SPEED; CORRECTION

Section 20.7 pertaining to Special Regulations for Rocky Mountain National Park which was published in the FEDERAL REGISTER April 21, 1955, should have been § 20.7, paragraph (h) *Speed* instead of paragraph (g)

Secretary's Order No. 2640, as amended, 20 F. R. 657; Director's Order No. 14, 19 F. R. 8824, Regional Director, Region Two, Order No. 2, 19 F. R. 8825; 39 Stat. 535, as amended, 16 U. S. C. 3.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 14th day of June 1955.

[SEAL] JAMES V. LLOYD, *Superintendent, Rocky Mountain National Park.*

[F. R. Doc. 55-5780; Filed, July 15, 1955; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 24]

CUSTOMS FEES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003), that it is proposed to amend § 24.12 (a) of the Customs Regulations (19 CFR 24.12 (a)) to provide that fees submitted with applications requesting the following actions, in accordance with the regulations cited, will not be refunded if the application is denied:

(1) Recording a trade-mark, trade name, or copyright, $25. (19 CFR 11.15, 11.16, and 11.19.)

(2) Designating a common carrier as a carrier of customs bonded merchandise, $35. (19 CFR 18.1.)

(3) Establishment of a customs bonded warehouse, $50. (19 CFR 19.2.)

(4) Issuance of a customs cartage or lighterage license, $35. (19 CFR 21.1.)

(5) Issuance of a customhouse broker's license, $100. (31 CFR 11.1-11.14.)

It is also proposed to provide that the fee collected under item No. 1 above will be applicable to applications for the recordation of a renewal or change of ownership of trade-mark or copyright. The proposed amendment to the regulations would be issued under the authority contained in section 501 of the Independent Offices Appropriation Act, 1952 (5 U. S. C. 140), and section 161 of the Revised Statutes (5 U. S. C. 22)

The expenses incurred by the Government where an application for one of the above services is denied is generally equal to or in excess of the cost incurred where the application is granted. Similarly, the cost incurred by the Government for recording a renewal or change of ownership of a trade-mark or copyright is equal to the cost incurred for the original recordation of the trade-mark or copyright. It is believed that these costs should also be borne by the applicant.

The terms of the proposed amendment, in tentative form, are as follows:

Section 24.12 (a) is amended to read as follows:

§ 24.12 *Customs fees; charges for storage.* (a) A table of the rates of fees prescribed by law or hereafter in this paragraph shall be kept posted in each collector's, surveyor's, and comptroller's office. When payment of such fee is received by any customs employee a receipt therefor shall be issued.

(1) A customs fee in the amount indicated shall be collected for each application for the following actions whether the action requested is granted or denied:

(i) Recording a trademark, trade name, or copyright; or recording a renewal or change of ownership of a trademark or copyright, $25. (See §§ 11.15, 11.16, and 11.19 of this chapter.)

(ii) Designating a common carrier as a carrier of customs bonded merchandise, $35. (See § 18.1 of this chapter.)

(iii) Establishment of a customs bonded warehouse, $50. (See § 19.2 of this chapter.)

(iv) Issuance of a customs cartage or lighterage license, $35. (See § 21.1 of this chapter.)

(v) Issuance of a customhouse broker's license, $100.

The fee prescribed in subdivision (iii) of this subparagraph shall be assessed and collected for an application requesting the initial establishment of a customs bonded warehouse or for the rebonding of a warehouse after its discontinuance. Such fee shall not be collected for action in connection with the discontinuance or alteration of a customs bonded warehouse or the reactivation of such a warehouse after its temporary suspension.

The fee prescribed in subdivision (iv) of this subparagraph shall be assessed and collected for an application requesting the initial issuance of a customs cartage or lighterage license or the issuance of a new license after the previous license has been canceled or revoked, but not for renewing such a license.

(2) Unless otherwise prescribed by law, a fee of 20 cents shall be collected for each official certification.

Prior to the issuance of the proposed amendment, consideration will be given to any relevant data, views, or arguments pertaining thereto which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., and received not later than 30 days from the date of publication of this

notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: July 8, 1955.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 55-5806; Filed, July 15, 1955; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 967]

[Docket No. AO 170-A9]

HANDLING OF MILK IN SOUTH BEND-LA PORTE, IND., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the South Bend-La Porte, Indiana, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 5th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed amendment to the tentative marketing agreement and to the order, as amended, was formulated, was conducted at South Bend, Indiana, on June 13, 1955, pursuant to notice thereof which was issued on June 7, 1955 (20 F. R. 4038)

The material issues on the record of the hearing were:

1. Modification of the supply-demand adjustment;
2. Class I price differentials;
3. Calculation of producer bases; and
4. Certification of milk utilization by operators of plants which are not approved plants.

Findings and conclusions. The following findings and conclusions on the material issues are based upon evidence contained in the record of the hearing:

1. *Supply-demand adjustment.* The supply-demand adjustment provisions should be changed in a manner to conform with changes in the corresponding provisions of the Chicago order.

An automatic adjustment of the Class I price is provided in the order based on the volume of milk received and sales under the Chicago order. The supply-demand ratio is the percentage relationship, during the most recent 12-month period for which data is available, of sales of Class I and Class II milk under the Chicago order to receipts of milk from producers under that order. The difference of this percentage from 72 percent is multiplied by 3 cents for each full percent of difference, to arrive at the price adjustment.

A producer association proposed that the supply-demand price adjustment be accelerated in whatever manner might be decided upon for the same type of price adjustment in the Chicago order. This proposal was made in anticipation that action would be taken to modify the supply-demand adjustment under the Chicago order on the basis of the record of a hearing held on May 9 and 10, 1955. The witness for the association explained that a specific amendment for South Bend-LaPorte market could not be formulated at the time of the hearing, inasmuch as action had not been taken by the Department on the Chicago order hearing.

Testimony was presented to show the relationship of this market to surrounding markets. It was brought out that there is some intermingling of producers for this market with farmers supplying Indianapolis, Fort Wayne, and Cleveland (the latter at Goshen, Indiana) It was testified, however, that the predominant competition for supplies is from handlers in the Chicago market. In this case, the milk purchased by Chicago handlers generally moves directly from the farm to plants in the Chicago marketing area.

Conditions in this market are also affected by direct sales in the marketing area by Chicago handlers. The availability of Chicago pool milk for supplemental supplies also has an important bearing on the price relationships of the two markets. No testimony was given urging a change from present price relationships.

In view of the dominating influence of supply and demand conditions in the Chicago area on conditions in this market, the supply-demand price adjustment for this market is based upon Chicago order data. The supply-demand adjustments under the two orders are, in fact, identical. This similarity serves to coordinate price movements in the two markets. Testimony in the record generally supported continuation of this arrangement, so that orderly relationships between the two markets would be preserved.

In a recommended decision on proposals to amend the Chicago order, issued June 29, 1955, it is concluded that the supply-demand adjustment should be modified to give more effect to changes in market utilization indicated by recent months. This would be accomplished by using the difference of the current supply-demand ratio from the corresponding ratio calculated three months previously as an additional factor in the adjustment formula. This difference would be added to or subtracted from the current supply-demand ratio (depending on the direction of the change) and the result would be termed an "adjusted supply-demand ratio" A rate of 2 cents per full percent of difference of this "adjusted supply-demand ratio" from 72 percent would be the adjustment applied to Class I and Class II prices under the Chicago order. In the recommended decision on the Chicago order, it is concluded that this would be an appropriate modification of the supply-demand adjustment so as to hasten changes in the prices when there is a change in the trend of utilization. In view of the close relationship of this market to the Chicago market, a similar change in the supply-demand adjustment for this market appears appropriate.

Examination of the effect of such a modified supply-demand adjustment shows that it would have resulted in about the same range of price adjustments as the adjustments effective since mid-1952 (including the effect of the 24-cent limitation) The modified supply-demand adjustment would have resulted in a quicker response at times when there was a change in the trend of utilization. It would have resulted in an earlier increase of Class I price differentials in response to changing supply and demand conditions in the latter part of 1954 and early 1955. The supply-demand adjustment effective under the order during this period remained at the lower limit of 24 cents until April 1955. The supply-demand adjustment, as proposed to be modified, could have resulted in a minus adjustment of 8 cents per hundredweight in May 1955, as compared to the adjustment of minus 18 cents which was effective. For June this year, the adjustment would have been a minus 4 cents instead of 15 cents.

Issues No. 2, 3, and 4. Action on issues numbered 2 through 4 inclusive is reserved for a further decision on this record.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs were filed which contained proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendments.

Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

Recommended marketing agreement and amendment in the order The following provisions are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. Recommended amendments to the marketing agreement are not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as hereby proposed to be further amended.

1. In § 967.51 (a) delete the words "current supply-demand ratio" and the words "supply-demand ratio" and substitute therefor in both instances the words "adjusted supply-demand ratio."

2. In § 967.51 (a) delete the words "3 cents" and substitute the words "2 cents"

3. In § 967.51 (d) delete subparagraph (4) and substitute a new subparagraph (4) as follows:

(4) If the current supply-demand ratio is greater or less than the current supply-demand ratio computed by the market administrator during the third delivery period immediately preceding, add or subtract the difference, respectively, to or from the percentage computed pursuant to subparagraph (3) of this paragraph. The result is the "adjusted supply-demand ratio" and if the current supply-demand ratio does not differ from that computed during the third delivery period preceding, the current supply-demand ratio shall be the "adjusted supply-demand ratio"

Issued at Washington, D. C., this 12th day of July 1955.

[SEAL] F. R. BURKE,
Acting Deputy Administrator

[F. R. Doc. 55-5804; Filed, July 15, 1955; 8:49 a. m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 20]

STANDARDS FOR PROTECTION AGAINST RADIATION

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that adoption of the following rules is contemplated. All interested persons who desire to submit written comments and suggestions for consideration in connection with the proposed rules should send them to the United States Atomic Energy Commission, Washington 25, D. C., Attention: Director, Division of Civilian Application, within 30 days after publication of this notice in the FEDERAL REGISTER.

GENERAL PROVISIONS

AUTHORITY: §§ 20.1 to 20.61 issued under sec. 161 (b), 68 Stat. 948, 42 U. S. C. 2201.

GENERAL PROVISIONS

§ 20.1 *Purpose.* The regulations in this part establish standards for protection against radiation hazards arising out of activities under licenses issued by the Atomic Energy Commission and are issued pursuant to the Atomic Energy Act of 1954 (68 Stat. 919)

§ 20.2 *Scope.* The regulations in this part apply to all persons who receive, possess, use or transfer byproduct material, source material or special nuclear material under a general or specific license issued by the Commission pursuant to the regulations in Part 30, 40, or 70 of this chapter.

NOTE: Nothing contained in the regulations in this part shall relieve any person from the applicability of rules and regulations of other Government agencies.

§ 20.3 *Definitions.* As used in this part:

(a) "Act" means the Atomic Energy Act of 1954 (68 Stat. 919) including any amendments thereto;

(b) "Airborne radioactive material" means airborne radioactive material in any form, such as dusts, fumes, mists or gases;

(c) "Byproduct material" means any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material;

(d) "Commission" means the Atomic Energy Commission or its duly authorized representatives;

(e) "Controlled area" means any area access to which is restricted by the licensee;

(f) "Dose" means the amount of radiation mass expressed in roentgens, rads or rems;

(g) "Dose rate" means dose per unit time;

(h) "Government agency" means any executive department, commission, independent establishment, corporation, wholly or partly owned by the United States of America which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority, administration or other establishment in the executive branch of the Government;

(i) "High Airborne Concentration Area" is any room, enclosure or operating area in which airborne radioactive materials, composed wholly or partly of licensed material, exist in excess of the amounts stated in Appendix B, Table I, column 1, at any time, or in excess of 25 percent of the amounts stated in Appendix B, Table I, column 1, averaged over a period of one week.

(j) "High Radiation Area" means a Radiation Area in which there exists a radiation level in excess of 100 millirem in any one hour;

(k) "Licensed material" means source material, special nuclear material or byproduct material;

(l) "Millicurie" means that amount of radioactive material which disintegrates at the rate of 37 million atoms per second;

(m) "Millirem" (one thousandth of a rem, mrem) means:

(1) 1 milliroentgen, in the case of X-radiation or gamma radiation;

(2) 1 millirad (0.1 ergs per gram) in the case of beta radiation;

(3) One tenth millirad for protons of energy below 10 Mev. One twentieth millirad for alpha rays and heavy recoil particles.

(4) For neutrons 1 millirem means the following:

Neutron energy:	*Number of neutrons per square centimeter*
Thermal	969,000
0.00001	489,000
0.01	489,000
0.1	96,000
0.5	33,400
1.0	23,800
2.0	19,200
3.0 and higher, or for unknown energies	14,400

(n) "Person" means (1) any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, Government agency other than the Commission, any State, any foreign government or nation or any political subdivision of any such government or nation, or other entity and (2)

any legal successor, representative, agent, or agency of the foregoing;

(o) "Personnel monitoring equipment" means devices designed to be worn or carried by an individual for the purpose of measuring radiation received by him. Examples of personnel monitoring equipment include film badges, pocket chambers, pocket dosimeters and film rings;

(p) "Rad" means the unit of absorbed dose (100 ergs per gram)

(q) "Radiation" means radiation emanating from any radioactive material.

(r) "Radiation Area" is any controlled area in which there exists a radiation level, emanating in whole or in part from licensed material, over 5 millirem in any one hour or over 150 millirem in any seven consecutive days.

(s) "Radiation level" means the rate of radiation dose at a point or in an area as measured with a suitably calibrated instrument.

(t) "Radioactive material" means any material, whether or not subject to licensing control by the Commission, which is radioactive.

(u) "Roentgen" (r) means the quantity of X- or gamma radiation such that the associated corpuscular emission per 0.001293 g of air produces, in air, ions carrying 1 esu of quantity of electricity of either sign;

(v) "Source material" means source material as defined in the regulations contained in Part 40 of this chapter;

(w) "Special nuclear material" means special nuclear material as defined in the regulations contained in Part 70 of this chapter·

(x) "Survey" means an evaluation of the radiation hazards incidental to the production, use, or presence of radioactive materials or other sources of radiation under a specific set of conditions. Such an evaluation customarily includes a physical survey of the location of materials and equipment and measurements of the dose rates of radiation that may be involved.

§ 20.4 *Interpretations.* Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by any officer or employee of the Commission other than a written interpretation by the General Manager, the General Counsel, or the Director, Division of Civilian Application will be recognized to be binding upon the Commission.

PERMISSIBLE DOSES AND CONCENTRATIONS

§ 20.11 *Exposure of individuals in controlled areas.* (a) No licensee shall possess, use or transfer licensed material in such a manner as to cause any individual within a controlled area to receive a radiation dose in excess of the limits established in Appendix A or to be exposed to airborne radioactive material in excess of the limits established in Appendix B, Table I.

(b) No licensee shall possess, use, or transfer licensed material in such a manner as to cause any individual under 18 years of age within a controlled area to receive a radiation dose in excess of 10 percent of the limits established in Appendix A of this part or to be exposed to airborne radioactive material in excess of the limits established in Appendix B, Table II, column 1 of this part.

(c) Upon application showing an operational need, the Commission may for limited periods of time authorize radiation doses at higher weekly rates than the limits set forth in Appendix A, provided that (1) the total dose received in any period of seven consecutive days does not exceed three times the limits established in Appendix A and (2) the total dose received in any period of thirteen consecutive weeks does not exceed ten times the limits established in Appendix A.

§ 20.12 *Permissible levels of radiation in uncontrolled areas.* (a) Unless specifically authorized by the Commission in writing, no licensee shall possess, use, or transfer licensed material in such a manner as to create in any uncontrolled area:

(1) Radiation level of more than two millirems in any one hour or

(2) Radiation level of more than 100 millirems in any seven consecutive days.

(b) Upon application showing an operational need, the Commission will authorize a higher radiation level in an uncontrolled area if it is demonstrated to the satisfaction of the Commission that it is not likely that the proposed higher radiation level will cause any individual to receive a radiation dose in excess of 10 percent of the limits established in Appendix A.

§ 20.13 *Concentration of radioactive materials on surfaces.* Amounts of radioactive material, composed in whole or in part of licensed material, in excess of the limits established in Appendix C shall not be permitted to remain on exposed surfaces, except that the Commission may authorize higher limits for a particular operation upon an application showing that the nature of the operation requires higher limits and that the proposed higher limits will not result in exposure to individuals in excess of the limits established in §§ 20.11 and 20.12.

§ 20.14 *Control of radioactive effluent.* (a) Except as specifically authorized by the Commission in writing, no licensee shall possess, use or transfer licensed material in such manner as to release, discharge, or dispose of, into air or water (excluding public sewers, disposal into which is covered by § 20.33) beyond the effective control of the licensee, radioactive material in any concentration (measured at the point where the licensee loses effective control over the material) in excess of the limits established in Appendix B, Table II.

(b) The Commission will not approve an application by a licensee for authorization to release, discharge or dispose of radioactive material into air or water beyond his effective control in excess of the limits established in Appendix B, Table II, unless at least the following requirements are met:

(1) The concentration (averaged over the periods of time provided in paragraph (c) of this section) of radioactive materials in air at any location in which individuals may regularly reside or be regularly employed or otherwise regularly present, shall not exceed the limits established in Appendix B, Table II, column 1.

(2) The concentration (averaged over the periods of time provided in paragraph (c) of this section) of radioactive material in water (before treatment, if any) at points of regular supply to individuals or to domestic animals used for food shall not exceed the limits established in Appendix B, Table II, column 2.

(3) The concentration (averaged over the periods of time provided in paragraph (c) of this section) of radioactive materials in edible vegetation shall not exceed the limits established in Appendix B, Table II, column 2, provided that in so applying column 2 the units shall be microcuries per milligram of plant material.

(c) For any radioactive material where the effective half-life in the body, as listed in Appendix B is less than 60 days, the average concentration as referred to in paragraph (b) of this section shall be the average of a series of determinations representative of normal licensed operation and environmental conditions over any period of thirteen (13) consecutive weeks; for other radioactive materials, this average shall be taken over any period of twelve (12) consecutive months provided no average weekly concentration exceeds 25 times the value given in the applicable column of Appendix B, Table II.

§ 20.15 *Medical diagnosis, therapy and research.* Nothing in this part shall be interpreted as limiting the intentional exposure of patients to radiation for the purpose of medical diagnosis, medical therapy or medical research.

§ 20.16 *Emergencies.* Nothing in this part shall be interpreted as limiting the exposure of individuals to radiation where such exposures occur under emergency circumstances and are for the purpose of minimizing danger to life or property.

HAZARD CONTROL

§ 20.21 *Surveys.* Each licensee shall make such surveys as may be necessary for him to comply with the requirements of the regulations in this part.

§ 20.22 *Personnel monitoring.* (a) Any individual who in any week receives or is likely to receive a radiation dose (emanating in whole or in part from licensed material) which is more than 25 percent of the limits established in Appendix A, shall be supplied with and shall use appropriate personnel monitoring equipment.

(b) Any individual having any occasion to enter a High Radiation Area shall be supplied with and shall use appropriate personnel monitoring equipment.

§ 20.23 *Respiratory protection.* (a) Any individual present in a High Airborne Concentration Area to such an extent that his total exposure to airborne radioactive material (other than gases) would without respiratory protection be from 1 to 100 times (inclusive) the levels established in Appendix B,

Table I, column 1, shall be required to wear respiratory protection capable of reducing the concentrations of such material below the limits established in Appendix B, Table I.

(b) Any individual present in a High Airborne Concentration Area to such an extent that his total exposure to airborne radioactive material (other than gases) would without respiratory protection be more than 100 times the limits established in Appendix B, Table I, column 1, or to such an extent that his total exposure to radioactive material in the form of a gas exceeds the limits established in Appendix B, Table I, column 1, shall be required to wear respiratory protection having a self-contained air supply or provision for a fresh air supply from an external source.

(c) Compliance with the respiratory protection requirements of this section shall not relieve the licensee from protecting individuals from other radiation hazards as required by the regulations in this part.

§ 20.24 *Caution signs, signals and labels.* (a) All signs and labels required by this section shall use the conventional radiation caution colors (magenta or purple on yellow background) and bear a conventional radiation symbol.

(b) *Radiation areas.* Each Radiation Area shall be conspicuously posted with a sign or signs bearing a radiation caution symbol and the words:

CAUTION
RADIATION AREA

(c) *High radiation areas.* (1) Each High Radiation Area shall be conspicuously posted with a sign or signs bearing a conventional radiation caution symbol and the words:

CAUTION
HIGH RADIATION AREA
PERSONNEL MONITORING REQUIRED

(2) Each High Radiation Area shall be equipped with an internal control circuit which shall either cause the radiation exposure rate to be reduced to below 100 millirem per hour upon entry of an individual into the area or shall energize a conspicuous visible or audible alarm signal in such a manner that the individual entering and the supervisor of the activity are made aware of the entry. In the case of a temporary High Radiation Area (30 days or less) a control circuit is not required if a barricade, such as a fence or rope is erected and the required caution signs are posted.

(d) *High airborne concentration areas.* Each High Airborne Concentration Area shall be conspicuously posted with a sign or signs bearing a conventional radiation symbol and the words:

CAUTION
HIGH AIRBORNE CONCENTRATION AREA

In the event that respiratory protection is required under the provisions of § 20.23, the equipment prescribed shall also be conspicuously designated.

(e) *Other areas.* (1) Each entrance to areas or rooms in which byproduct material is used or stored in an amount exceeding 10 times the quantity covered by a general license (as provided in § 30.__[1] of the regulations in this chapter) shall be conspicuously posted with a sign or signs bearing a conventional radiation symbol and the words:

CAUTION
RADIOACTIVE MATERIAL(S)

(2) Each entrance to areas or rooms in which more than 10 micrograms of plutonium, or more than 1 milligram of uranium 233, or more than 10 grams of uranium enriched in the isotope 235, are used or stored shall be conspicuously posted with a sign or signs bearing a conventional radiation symbol and the words:

CAUTION
RADIOACTIVE MATERIAL(S)

(f) *Containers.* (1) Each container in which byproduct material is transferred, stored or used shall bear a durable, clearly visible label bearing a conventional radiation caution symbol and the words "Caution: Radioactive Material". *Provided, however* That a label shall not be required if (i) the concentration of that byproduct material in the container does not exceed the concentration for that byproduct material specified in Appendix B, Table II, column 2, or (ii) if the quantity of the byproduct material in the container is not more than one-tenth the quantity of the byproduct material covered by a general license as provided in § 30.__[1] of the regulations in this chapter.

(2) Each container in which more than 0.1 micrograms of plutonium or more than .01 milligrams of uranium 233 or more than 0.1 grams of uranium enriched in the isotope 235 is transferred or stored shall bear a durable, clearly visible label which shall include a conventional radiation caution symbol and the words: "Caution: Radioactive Material."

NOTE: Where practical, signs required by this section should describe the quantities and kinds of radioactive materials involved.

§ 20.25 *Exceptions from posting requirements.* Notwithstanding the provisions of § 20.24:

(a) A room or area is not required to be posted with a caution sign because of the presence of a sealed source provided (1) the radiation level twelve inches from the surface of the device does not exceed 5 millirem per hour and (2) the sealed source is properly labeled in accordance with the requirements of Part 31 of this chapter.

(b) Rooms or other areas in hospitals are not required to be posted with caution signs because of the presence of patients containing byproduct material provided that attendant personnel are adequately instructed as to the precautions necessary to prevent the exposure of any individual to radiation or airborne radioactive materials in excess of the limits established in the regulations contained in this part.

(c) Caution signs are not required to be posted at areas or rooms containing radioactive materials for periods of less than twenty-four hours provided such materials are constantly attended by an individual during such periods.

§ 20.26 *Storage of licensed material.* Licensed material stored in a non-controlled area shall be kept in locked and secured containers.

§ 20.27 *Instruction of personnel.* Individuals working with or in proximity to licensed material shall be instructed concerning safe handling of such material and the proper use of radiation measuring devices, monitoring instruments, protective equipment and other devices furnished for their protection and procedures to be observed in case of accident.

WASTE DISPOSAL

§ 20.31 *Disposal by burial in soil.* Except as authorized in § 20.34, no licensee shall bury licensed material in the soil except as specifically authorized by the Commission in writing. The Commission will not authorize such burial unless at least the following requirements are met:

(a) The burial area is devoid of edible plant life; and

(b) The soil, because of its topographic and geologic characteristics, is not subject to pronounced erosion or leaching; and

(c) The area is suitably marked and protected against unauthorized entry; and

(d) The burial depth will be not less than 4 feet; and

(e) The concentration of radioactive material in any cubic foot of soil will not be greater than 0.1 millicurie for Strontium 90, Plutonium 239, Radium 226, or Polonium 210, or 10 millicuries radioactive material having a half-life greater than 180 days, or 100 millicuries for radioactive material having a half-life of 180 days or less.

§ 20.32 *Disposal by burial in the ocean.* Except as authorized in § 20.34, no licensee shall dispose of licensed material in the ocean except as specifically authorized by the Commission in writing. The Commission will not authorize such disposal unless the proposed burial procedures will assure that the material will be taken to a depth of 1,000 fathoms or more and will not rise to the surface.

§ 20.33 *Disposal into public sewers.* (a) Except as authorized in paragraph (b) of this section, or in § 20.34, no licensee shall release, discharge or dispose of licensed material into a public sewer except as specifically authorized by the Commission in writing.

(b) Licensed material may be discharged into public sewers provided that:

(1) The material is in a form readily soluble in water; and

(2) For each million gallons of sewage effluent in which the dilution is expected to occur, the amount of radioactive materials discharged shall not exceed one millicurie of Strontium 90 or Polonium 210; 100 millicuries of Iodine 131, or Phosphorus 32 or any radioactive material having a half life less than 30 days; or 10 millicuries of other radioactive material.

[1] Reference will be inserted upon publication of proposed revision of 10 CFR Part 30, Radioisotope Distribution.

§ 20 34 *Disposal by dilution with stable isotopes of the same element* Any licensed material which has been diluted and homogeneously mixed with stable isotopes of the same element in the same chemical form to the extent that the dose rate within such material as so diluted and homogeneously mixed does not exceed 300 millirems per week may be disposed of by burial in soil in the ocean or into public sewers without regard to the requirements of §§ 20 31 to 20 33

RECORDS AND REPORTS

§ 20 41 *Personnel radiation monitoring records and reports* (a) Each licensee shall maintain records showing the radiation exposures of all individuals subject to personnel monitoring control as required in § 20 22

(b) Each licensee shall report to the Commission each instance in which an individual receives a dose during a thirteen week period in excess of 3 900 millirems Such report shall describe the nature and extent of the exposure and the reason if known for the exposure Corrective steps to avoid exposure in excess of prescribed limits in the future shall also be included

§ 20 42 *Records of surveys* Each licensee shall maintain records showing the results of such surveys as he is required to make pursuant to § 20 21

EXCEPTIONS AND ADDITIONAL REQUIREMENTS

§ 20 51 *Applications for exemptions* The Commission may, upon application by any licensee grant such exemptions from the requirements of the regulations in this part as it determines are authorized by law and will not endanger life or property

§ 20 52 *Additional requirements.* The Commission may by rule regulation or order impose upon any licensee such requirements in addition to those established in the regulations in this part as it deems appropriate or necessary to protect health or to minimize danger to life or property

ENFORCEMENT

§ 20 61 *Violations* An injunction or other court order may be obtained prohibiting any violation of any provision of the act or any regulation or order issued thereunder Any person who willfully violates any provision of the act or any regulation or order issued thereunder may be guilty of a crime and, upon conviction may be punished by fine or imprisonment or both, as provided by law

APPENDIX A—PERMISSIBLE TOTAL WEEKLY DOSES IN SIGNIFICANT VOLUMES OF CRITICAL ORGANS UNDER VARIOUS CONDITIONS OF EXPOSURE

Conditions of exposure		Dose in critical organs (mrem per week)			
Part of body	Radiation	Skin at basal layer of epidermis	Blood forming organs	Gonads	Lens of eye
Whole body	Any radiation with half value layer greater than 1 mm of soft tissue	[1] 600	[1] 300	[1] 300	[1] 300
Whole body	Any radiation with half-value layer less than 1 mm of soft tissue.	1 500	300	300	300
Hands and forearms or feet and ankles or head and neck	Any radiation	[2] 1 500			

[1] For exposures of the whole body to X or gamma rays up to 3 Mev, this condition may be assumed to be met if the air dose" does not exceed 300 mr, provided the dose to the gonads does not exceed 300 mrem. "Air dose" means that the dose is measured by an appropriate instrument in air in the region of highest dosage rate to be occupied by an individual, without the presence of the human body or other absorbing and scattering material.

[2] Exposure of these limited portions of the body under these conditions does not alter the total weekly dose of 300 mrem permitted to the bloodforming organs in the main portion of the body to the gonads or to the lens of the eye

APPENDIX B—MAXIMUM PERMISSIBLE AVERAGE CONCENTRATIONS OF RADIOACTIVE MATERIALS IN AIR AND WATER

Material	Half-life [1] (days)	Table I, occupational (40 hours per week)		Table II nonoccupational	
		Column 1 air [2]	Column 2 water [2]	Column 1 air [2]	Column 2 water [2]
A^{41}	0 074	1 6X10^{-6}	1 4X10 ^{3}	5X10 ^{8}	5X10 ^{8}
Ag^{105}	2 8	3 6X10 ^{5}	5	1 2X10^{-6}	1 6X10^{-1}
Ag^{111}	2 1	1X10^{-6}	1 3X10	3X10^{-6}	4X10 ^{1}
Am^{241}	800	8X10^{-11}	4X10^{-4}	3X10^{-12}	1 3X10^{-5}
As^{76}	1 09	7X10^{-6}	6X10^{-1}	2X10^{-7}	2X10 ^{3}
At^{211}	31	9X10 ^{10}	6X10^{-6}	3X10^{-11}	2X10 ^{7}
Au^{198}	2 6	3 4X10 ^{7}	9X10^{-3}	1 1X10 ^{8}	3X10^{-4}
Au^{199}	3 1	8X10 ^{7}	2X10 ^{2}	2 5X10 ^{8}	7X10^{-4}
Ba^{140}+La^{140}	12	2X10 ^{7}	6X10 ^{3}	6X10 ^{9}	2X10^{-4}
Be^{7}	48	1 3X10 ^{5}	3	4X10 ^{7}	1X10 ^{1}
C^{14}	180	1 4X10^{-6}	1X10^{-2}	5X10 ^{8}	3 6X10^{-4}
Ca^{45}	151	9X10 ^{8}	1 5X10 ^{3}	3X10 ^{9}	5X10 ^{8}
Cd^{109}+Ag^{109}	77	2X10 ^{7}	2X10 ^{1}	7X10 ^{9}	7X10 ^{8}
Ce^{144}+Pr^{144}	180	2X10 ^{8}	1X10 ^{1}	7X10^{-10}	3 6X10^{-3}
Cl^{36}	20	1X10^{-6}	7X10^{-3}	4X10 ^{8}	2 4X10^{-4}
Cm^{242}	120	5X10 ^{10}	2 7X10 ^{3}	1 8X10^{-11}	1X10^{-4}
Co^{60}	8 4	3 4X10^{-6}	5X10 ^{2}	1 2X10 ^{7}	1 8X10 ^{3}
Cr^{51}	22	2 4X10^{-5}	1 4	8X10 ^{7}	5X10^{-2}
Cs^{137}+Ba^{137}	17	6X10 ^{7}	4 5X10^{-3}	2X10 ^{8}	1 5X10^{-4}
Cu^{64}	53	2X10 ^{5}	2 5X10 ^{1}	6X10^{-7}	8X10 ^{3}
Eu^{154}	820	2X10 ^{8}	1X10 ^{1}	6X10 ^{10}	3X10^{-3}
F^{18}	078	3 5X10 ^{4}	2 6	1 2X10^{-5}	9X10^{-2}
Fe^{55}	61	1 8X10^{-6}	1 3X10 ^{2}	6X10 ^{8}	4X10^{-4}
Fe^{59}	27	5X10 ^{8}	3 3X10^{-4}	1 5X10 ^{8}	1 1X10 ^{8}
Ga^{72}	59	1X10 ^{5}	2 6X10	3 4X10 ^{7}	9X10^{-1}
Ge^{71}	3 9	1X10 ^{4}	2 7X10	3 6X10^{-6}	9X10 ^{1}
H^{3} (HTO or H_2O)	19	7X10 ^{5}	5X10 ^{1}	2 5X10^{-6}	1 6X10 ^{2}
Ho^{166}	1 1	1X10 ^{5}	7X10	3X10^{-7}	2 3
I^{131}	7 7	9X10 ^{9}	9X10 ^{5}	3X10 ^{10}	3X10^{-6}
Ir^{190}	7 3	2 2X10 ^{6}	4X10 ^{2}	7X10 ^{8}	1 3X10 ^{3}
Ir^{192}	17	1 6X10 ^{7}	2 7X10 ^{3}	5X10 ^{9}	9X10 ^{3}
K^{42}	51	6X10 ^{6}	4X10 ^{2}	2X10 ^{7}	1 4X10 ^{3}
La^{140}	1 6	4X10^{-6}	3 4	1 4X10 ^{7}	1 1X10^{-1}
Lu^{177}	3 2	1 5X10 ^{5}	7X10	5X10 ^{7}	2 4
Mn^{56}	106	8X10^{-6}	5X10 ^{1}	3X10 ^{7}	1 5X10^{-2}
Mo^{99}	2 8	5X10 ^{3}	4X10	1 8X10 ^{6}	1 4
Na^{24}	61	5X10^{-6}	2 4X10^{-2}	1 6X10 ^{7}	8X10^{-4}
Nb^{95}	21	1 3X10^{-5}	1 2X10^{-2}	4X10 ^{8}	4X10^{-4}
N^{139}	8	5X10 ^{5}	7X10^{-1}	1 6X10^{-6}	2 5X10^{-2}
P^{32}	14	4X10 ^{7}	6X10 ^{4}	1 4X10 ^{8}	2X10 ^{3}
Pb^{203}	2 16	2X10^{-3}	4X10 ^{1}	6X10 ^{7}	1 4X10 ^{2}
Pd^{109}+Rh^{109}	4 4	2X10^{-6}	3X10 ^{2}	7X10 ^{8}	1X10 ^{3}
Pm^{147}	140	6X10^{-7}	3	2X10^{-8}	1X10^{-1}
Po^{210} (sol)	40	6X10^{-10}	9X10^{-5}	4X10^{-11}	3X10^{-6}
Po^{210} (insol)	31	2X10^{-10}		7X10^{-12}	
Pr^{143}	11	2 3X10^{-6}	1	7X10^{-8}	3 6X10^{-2}
Pu^{239} (sol)	43 000	6X10^{-12}	4 5X10^{-6}	2X10^{-13}	1 5X10^{-7}
Pu^{239} (insol.)	360	6X10^{-12}		2X10^{-13}	
Ra^{226}+½ dr	16 000	2 4X10^{-11}	1 2X10^{-7}	8X10^{-13}	4X10^{-2}
Rb ^{6}	7 8	1 1X10^{-6}	9X10^{-3}	4X10^{-8}	3X10^{-4}
Re^{183}	5	2 4X10^{-5}	2 4X10^{-1}	8X10^{-7}	8X10^{-3}
Rh^{103}	1 4	3X10^{-6}	5X10^{-2}	1X10^{-7}	1 6X10^{-3}
Rn^{222}+dr		1X10^{-7}	1 3X10^{-5}	1X10^{-8}	2X10^{-7}
Ru^{106}+Rh^{106}	19	8X10^{-8}	4X10^{-1}	2 6X10^{-9}	1 3X10^{-2}
S^{35}	18	3X10^{-6}	1 5X10^{-2}	1X10^{-7}	5X10^{-4}
Sc^{46}	13	2X10^{-7}	1	7X10^{-9}	3 6X10^{-2}
Sm^{151}	39 000	4X10^{-6}	6X10^{-1}	1 3X10^{-9}	2X10^{-2}
Sn^{113}	44	1 7X10^{-6}	5X10^{-1}	6X10^{-8}	1 6X10^{-2}
Sr^{89}	52	6X10^{-9}	2X10^{-4}	2X10^{-9}	7X10^{-6}
Sr^{90}+Y^{90}	2,700	6X10^{-10}	2 4X10^{-6}	2X10^{-11}	8X10^{-8}
Tc^{96}	2.1	8X10^{-6}	8X10^{-2}	3X10^{-7}	3X10^{-3}
Te^{127}	13	3X10^{-7}	8X10^{-2}	1X10^{-8}	3X10^{-3}
Te^{129}	10	1 2X10^{-7}	3 3X10^{-2}	4X10^{-9}	1.1X10^{-3}

See footnotes at end of table.

APPENDIX B—MAXIMUM PERMISSIBLE AVERAGE CONCENTRATIONS OF RADIOACTIVE MATERIALS IN AIR AND WATER—Continued

Material	Half-life [1] (days)	Table I, occupational (40 hours per week)		Table II, nonoccupational	
		Column 1, air [2]	Column 2, water [3]	Column 1, air [2]	Column 2, water [3]
Th^{234}	24.1	2×10^{-6}	1×10	6×10^{-8}	3×10^{-1}
Tm^{170}	59	1.5×10^{-7}	8×10^{-1}	5×10^{-9}	2.5×10^{-2}
U-natural (sol.)	39	5×10^{-11}	2×10^{-4}	1.7×10^{-12}	7×10^{-6}
U-natural (insol.)	120	5×10^{-11}		1.7×10^{-12}	
U^{233} (sol.)	300	4×10^{-10}	4.5×10^{-4}	1×10^{-11}	1.5×10^{-5}
U^{233} (insol.)	120	5×10^{-11}		1.6×10^{-12}	
V^{48}	12	3×10^{-6}	1.5	1×10^{-7}	5×10^{-2}
Xe^{133}	5.27	1.3×10^{-6}	1.3×10^{-3}	4×10^{-7}	4×10^{-4}
Xe^{135}	.38	5×10^{-6}	4×10^{-3}	1.7×10^{-7}	1.4×10^{-4}
Y^{91}	51	1.2×10^{-7}	6×10^{-4}	4×10^{-9}	2×10^{-2}
Zn^{65}	21	6×10^{-6}	2×10^{-1}	2×10^{-7}	6×10^{-3}
All other beta or gamma emitters		3×10^{-9}	3×10^{-7}	1×10^{-10}	1×10^{-4}
All other alpha emitters		1.6×10^{-11}	3×10^{-7}	6×10^{-13}	1×10^{-4}

[1] Effective half-life in body.
Air concentrations are given in microcuries per milliliter of air.
[2] Water concentrations are given in microcuries per milliliter of water.

NOTE: If any concentration consists of a mixture of radioactive materials, due allowance shall be made to prevent the effective total radioactive concentration of the mixture of radioactive materials from exceeding that of a single material stated in Appendix B.

APPENDIX C—SURFACE CONCENTRATIONS [1]

I. 2,000 disintegrations per minute per 100 cm^2 for alpha emitting materials other than plutonium.

II. 5,000 disintegrations per minute per 100 cm^2 for plutonium.

III. 1.0 millirads per hour for beta and/or gamma emitters other than those listed in IV.

IV. 0.1 millirads per hour for Sr-90, Ca-45, Zr-95, Bi-210 and Ra-226.

Dated at Washington, D. C., this 7th day of July 1955.

K. E. FIELDS,
General Manager

[F. R. Doc. 55-5625; Filed, July 15, 1955; 8:45 a. m.]

[1] As used in this appendix, millirads per hour means that amount of surface contamination which will result in a dose rate of 1.0 millirad per hour, as measured in air at the surface.

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

CENTRAL VALLEY PROJECT, CALIFORNIA

ORDER OF REVOCATION

JULY 26, 1954.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937) I hereby revoke Departmental Orders of November 16, 1932, and February 19, 1952, in so far as said orders affect the following described land: *Provided, however* That such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the land hereinafter described:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 27 S., R. 31 E.,
Sec. 34, S½SW¼, NW¼SW¼SE¼, S½SW¼SE¼, S½SE¼SE¼,
Sec. 36, N½NE¼, NW¼.
T. 28 S., R. 31 E.,
Sec. 4, Lots 1 to 4, incl.
T. 23 S., R. 32 E.,
Sec. 1, Lot 1, S½NE¼, S½NW¼, N½SW¼, SW¼SW¼, N½SE¼,
Sec. 12, NW¼.
T. 26 S., R. 32 E.,
Sec. 25, NE¼NE¼, S½NE¼, NE¼SW¼, S½SW¼,
Sec. 36, NW¼.
T. 27 S., R. 32 E.,
Sec. 15, W½NE¼, SE¼NW¼, SW¼SW¼, E½SW¼, W½SE¼,
Sec. 20, SE¼NE¼, S½SW¼, SE¼,
Sec. 22, N½NW¼,
Sec. 30, Lots 2, 3, 4, NE¼, SE¼NW¼, NE¼SW¼, NW¼SE¼.
T. 18 S., R. 33 E.,
Sec. 21, W½NE¼, SW¼, W½SE¼,
Sec. 28, W½NE¼, E½NW¼, NW¼NW¼, SW¼SW¼, E½SW¼, W½SE¼,
Sec. 33, W½NE¼, NW¼, SW¼, SE¼.
T. 19 S., R. 33 E.,
Sec. 3, Lot 4, SW¼NW¼, SW¼,
Sec. 4, Lots 1, 2, 3, SE¼NE¼,
Sec. 10, W½NE¼, E½NW¼, SE¼,
Sec. 14, SW¼NW¼, NW¼SW¼, S½SW¼,
Sec. 15, E½NE¼, NE¼SE¼,
Sec. 23, SW¼NE¼, E½NW¼, NW¼NW¼, NE¼SW¼, W½SE¼,
Sec. 25, W½SW¼,
Sec. 26, NE¼, E½SE¼,
Sec. 36, NW¼, E½SW¼.
T. 20 S., R. 33 E.,
Sec. 1, Lots 3, 4, S½NW¼, NW¼SW¼,
Sec. 2, SE¼NE¼, SE¼,
Sec. 10, E½SE¼,
Sec. 11, W½NE¼, E½NW¼, SW¼NW¼, N½SW¼, SW¼SW¼,
Sec. 15, NE¼NE¼, W½NE¼, SE¼NW¼, NW¼SE¼,
Sec. 16, SE¼SE¼,
Sec. 21, NE¼NE¼, S½NE¼, SW¼SW¼, E½SW¼, W½SE¼, NE¼SE¼,
Sec. 22, NW¼NW¼,
Sec. 28, N½NW¼, SW¼NW¼,
Sec. 29, E½NE¼, SE¼SW¼, SE¼,
Sec. 31, SW¼SE¼, E½SE¼,
Sec. 32, NW¼NE¼, NW¼, NW¼SW¼.
T. 21 S., R. 33 E.,
Sec. 5, Lots 1 to 4, incl., SW¼NE¼, S½NW¼, E½SW¼, W½SE¼,
Sec. 8, W½NE¼, E½NW¼, E½SW¼, W½SE¼,
Sec. 17, W½NE¼, E½NW¼, E½SW¼, W½SE¼,
Sec. 20, W½NE¼, E½NW¼, E½SW¼, W½SE¼,
Sec. 23, E½NW¼, E½SW¼,
Sec. 32, NW¼, SW¼.
T. 22 S., R. 33 E.,
Sec. 5, Lots 3, 4, S½NW¼, SW¼,
Sec. 8, NW¼, SW¼,
Sec. 17, NW¼, SW¼,
Sec. 20, NW¼, SW¼,
Sec. 29, NW¼, SW¼,
Sec. 31, Lots 4, 5, 6, SE¼NE¼, E½SE¼,
Sec. 32, NW¼, N½SW¼.
T. 23 S., R. 33 E.,
sec. 6, Lot 4.
T. 25 S., R. 33 E.,
Sec. 23, W½NW¼, SW¼SW¼,
Sec. 33, Lot 5.
T. 26 S., R. 33 E.,
Sec. 3, W½SW¼,
Sec. 4, SE¼SE¼,
Sec. 9, SE¼NE¼,
Sec. 10, SW¼NW¼,
Sec. 11, S½NW¼, N½SE¼,
Sec. 18, W½NE¼, NW¼SE¼.
T. 26 S., R. 34 E.,
Sec. 9, SE¼SE¼,
Sec. 16, NE¼NW¼,
Sec. 20, SE¼NE¼, NW¼SE¼.
T. 20 S., R. 35 E.,
Sec. 3, SW¼NE¼, SE¼NW¼,
Sec. 10, E½NW¼, SW¼NW¼, NW¼SW¼,
Sec. 11, S½NE¼, S½NW¼, SW¼, SE¼,
Sec. 12, SE¼NW¼, SW¼, W½SE¼,
Secs. 13 and 14, all;
Sec. 15, NW¼NE¼, SW¼SW¼, E½SW¼, W½SE¼,
Sec. 21, NE¼, NE¼NW¼, N½SE¼,
Sec. 22, SE¼NE¼, N½NE¼, NW¼, NW¼SW¼,
Sec. 23, NE¼NE¼, W½NE¼, NW¼, N½SW¼, SE¼SW¼, W½SE¼, SE¼SE¼,
Sec. 24, NE¼NE¼, N½NW¼,
Sec. 26, NE¼NE¼, S½NE¼, E½NW¼, NW¼SE¼.
T. 21 S., R. 35 E.,
Sec. 24 (unsurveyed), NE¼SE¼, S½SE¼,
Sec. 25 (unsurveyed), NE¼NE¼, W½NE¼, E½NW¼, SW¼NW¼, SW¼, NW¼SE¼,
Sec. 26, E½SE¼ (unsurveyed);
Sec. 35, E½NE¼, E½SE¼,
Sec. 36, W½NW¼, W½SW¼.
T. 22 S., R. 35 E.,
Sec. 2, NE¼, SE¼ (unsurveyed);
Sec. 11, NE¼, SE¼,
Sec. 14 (unsurveyed), NE¼, SE¼NW¼, SE¼,
Sec. 23, NE¼ (unsurveyed), SE¼;
Sec. 25, NW¼NW¼, S½NW¼, SW¼,
Sec. 26, NE¼, NE¼SE¼,
Sec. 34, NW¼SE¼, S½SE¼,
Sec. 35, E½NE¼, S½SW¼, SE¼,
Sec. 36, NE¼NW¼, W½NW¼, W½SW¼, SE¼SW¼.
T. 23 S., R. 35 E.,
Sec. 1, Lots 2, 3, 4, SW¼, NW¼SE¼,
Sec. 2, Lots 1 to 4, incl., SW¼, SE¼,
Sec. 3, Lot 1, N½SE¼, SE¼SE¼,
Sec. 10, NE¼NE¼,
Sec. 11, NE¼, NW¼, N½SW¼, SE¼SW¼, SE¼;
Sec. 12, SW¼NE¼, NW¼, SW¼, W½SE¼,
Sec. 13, W½NE¼, NW¼, SW¼, W½SE¼,
Sec. 14, NE¼, E½NW¼, E½SW¼, SE¼,
Sec. 22, SW¼SE¼, E½SE¼,
Sec. 23, NE¼, NE¼NW¼, SW¼, SE¼,
Sec. 24, NW¼, W½SE¼,
Sec. 26, all;
Sec. 27, NE¼, E½NW¼, SW¼NW¼, SW¼, SE¼,
Sec. 34, NE¼, S½NW¼, E½SW¼, SE¼,
Sec. 35, NW¼NW¼.
T. 24 S., R. 35 E.,
Sec. 2, Lot 4, SW¼NW¼, W½SW¼, SE¼SW¼,
Sec. 3, Lots 1, 2, S½NE¼, E½SE¼,
Sec. 11, NW¼, N½SW¼, SE¼SW¼, W½SE¼,
Sec. 13, SW¼SW¼,
Sec. 14, SE¼NE¼, W½NE¼, NE¼NW¼, SE¼,

Sec. 23, E½NE¼,
Sec. 24, W½NW¼, SW¼,
Sec. 25, W½NE¼, E½NW¼, NW¼NW¼, E½SW¼, SW¼SW¼, W½SE¼,
Sec. 36, NW¼, SW¼.
T. 25 S., R. 35 E.,
Sec. 12, SE¼SE¼,
Sec. 13, NE¼, E½SW¼, W½SE¼, NE¼SE¼,
Sec. 24, NW¼NE¼, NE¼NW¼, SW¼NW¼.
T. 20 S., R. 36 E.,
Sec. 16, W½SW¼ (unsurveyed)
Sec. 17, S½SE¼, NE¼SE¼,
Sec. 18, Lots 1 to 4, incl., E½NW¼, E½SW¼, SW¼SE¼,
Sec. 19, Lot 1, NE¼, E½NW¼, NE¼SE¼,
Sec. 20, NE¼, NW¼, N½SW¼, SE¼SW¼, SE¼,
Sec. 21, NW¼NW¼ (unsurveyed);
Sec. 29, W½NE¼, E½NW¼, SW¼NW¼, SW¼,
Sec. 31, SE¼NE¼, E½SE¼,
Sec. 32, NW¼, W½SW¼.
T. 21 S., R. 36 E., (unsurveyed)
Sec. 5, NE¼, SE¼NW¼, NE¼SW¼, SE¼,
Sec. 8, NE¼, SE¼,
Sec. 17, NE¼, SE¼NW¼, N½NW¼, SW¼SW¼, NW¼SE¼,
Sec. 18, S½SE¼, NE¼SE¼,
Sec. 19, NE¼NE¼, W½NE¼, NW¼, N½SW¼, SW¼SW¼.
T. 25 S., R. 36 E.,
Sec. 6, Lots 3 to 7, incl., SE¼NW¼, E½SW¼,
Sec. 7, Lots 1 to 4, incl.,
Sec. 18, Lot 1.

The above areas aggregate approximately 32,810 acres.

L. N. McCLELLAN,
Acting Commissioner

[Misc. 67606]

JULY 12, 1955.

I concur. The records of the Bureau of Land Management will be noted accordingly.

Most of the lands released from withdrawal by this order are withdrawn for national forest purposes, and such lands shall become subject to the public-land laws relating to national forest lands at 10:00 a. m., on the 35th day from the date of this order. Portions of the lands are withdrawn for power and other purposes or have been patented.

The following-described lands, which are grazing lands located in rough, mountainous terrain, are vacant public domain:

MOUNT DIABLO MERIDIAN

T. 24 S., R. 35 E.,
Sec. 24, E½SW¼,
Sec. 25, W½E½, E½W½,
Sec. 36, NW¼, SW¼

The areas described aggregate 720 acres.

No application for the restored lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

This order shall not otherwise become effective to change the status of the restored lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall become subject to application, petition and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference-right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended.

Veterans' preference-right applications under the said act of September 27, 1944, may be received on or before 10:00 a. m. on the 35th day after the date of this order, and those covering the same lands shall be treated as though simultaneously filed at that time. Applications filed under the act after that time and during the succeeding 91 days shall be considered in the order of filing. Applications by the general public under the public-land laws, including the mineral-leasing laws, received on or before 10:00 a. m. on the 126th day after the date of this order shall be treated as though simultaneously filed at that time, where the applications are for the same lands; otherwise, priority of filing shall govern.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Los Angeles, California.

W G. GUERNSEY,
Acting Director
Bureau of Land Management.

[F. R. Doc. 55–5782; Filed, July 15, 1955; 8:45 a. m.]

KENDRICK PROJECT, WYOMING

ORDER OF REVOCATION

FEBRUARY 25, 1955.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby revoke Departmental Orders of February 11, 1903, September 20, 1904, August 10, 1908, September 1, 1908, September 19, 1908, insofar as said orders affect the following described lands: *Provided, however* That such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the lands hereinafter described:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 22 N., R. 60 W.
Sec. 7, Lots 1, 3, 4;
Sec. 17, SW¼NW¼, NE¼SW¼, E½SE¼SW¼, SE¼,
Sec. 18, Lot 4, E½SW¼, SE¼,
Sec. 19, Lots 1, 2, 3, NE¼SW¼.
T. 24 N., R. 60 W.
Sec. 5, Lots 3, 4, S½NW¼, SW¼,
Sec. 6, Lots 1, 2, 3, 4, S½NE¼, SE¼NW¼, N½SE¼, SE¼SE¼,
Sec. 8, W½E½NW¼, NE¼SW¼, SW¼SE¼.
T. 25 N., R. 60 W.
Sec. 31, Lots 1, 2, 3, 4, S½NE¼, E½W½, SE¼,
Sec. 32, S½NW¼, SW¼, N½SE¼, SE¼SE¼.
T. 22 N., R. 61 W.
Sec. 10, E½SE¼,
Sec. 11, S½,
Sec. 12, NE¼, S½,
Sec. 13, N½NW¼,
Sec. 14, E½NW¼, N½NE¼SW¼, W½SE¼;
Sec. 23, NE¼NE¼, E½SE¼NE¼, E½NE¼SE¼,
Sec. 24, N½, SW¼, N½SE¼, SW¼SE¼,
Sec. 25, N½, W½SE¼.

The above aggregates 4,726.30 acres.

E. G. NIELSEN,
Acting Commissioner

[Misc. 68524]

JULY 12, 1955.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The lands are embraced in State exchange application, Wyoming 032713, filed by the State of Wyoming under Section 8 of the act of June 28, 1934, as amended by Section 3 of the act of June 26, 1936 (48 Stat. 1272; 49 Stat. 1976; 43 U. S. C. 315g) by which the offered lands will benefit a Federal land program. The lands, therefore, are not subject to the provisions contained in the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended, granting preference rights to veterans of World War II, the Korean Conflict, and others.

W G. GUERNSEY,
Acting Director,
Bureau of Land Management.

[F. R. Doc. 55–5781; Filed, July 15, 1955; 8:45 a. m.]

Office of the Secretary

[Order 2508, Amdt. 12]

BUREAU OF INDIAN AFFAIRS

DELEGATIONS OF AUTHORITY

JULY 11, 1955.

The section entitled *Authority under Specific Acts* of Order No. 2508, as amended (20 F R. 3834), is renumbered Section 30, and paragraph (a) thereof is amended by the addition of the following:

(7) The act of August 30, 1954 (Public Law 716, 83d Congress, 2d session; 68 Stat. 980)

[SEAL] DOUGLAS McKAY,
Secretary of the Interior

[F. R. Doc. 55–5783; Filed, July 15, 1955; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6998]

EASTERN-COLONIAL ACQUISITION CASE

NOTICE OF HEARING

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly to Sections 408 and 1001 of said Act, that hearing in the above-indicated proceeding will be held on July 27, 1955, at 10:00 a. m., e. d. t., in Conference Room B, Departmental Auditorium, Constitution Avenue between Twelfth and Fourteenth Streets

NW., Washington, D. C., before Examiner Herbert K. Bryan.

The issues to be considered will be limited to the following matters:

(1) Whether the terms of the Eastern-Colonial Acquisition agreement are not consistent with the public interest, and

(2) If the acquisition is to be approved, what terms and conditions, if any, should be attached and what modifications, if any, should be prescribed?

For further details of the issues involved, interested parties are referred to the joint application of Colonial and Eastern, the orders of the Civil Aeronautics Board, and the prehearing conference report which are on file in the Docket. Notice is further given that any person other than parties of record desiring to be heard in this proceeding should file with the Board on or before July 27, 1955, a statement setting forth the issues of fact or law upon which he desires to be heard.

Dated at Washington, D. C., July 12, 1955.

[SEAL] FRANCIS W. BROWN, *Chief Examiner*

[F. R. Doc. 55-5808; Filed, July 15, 1955; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11273; FCC 55M-626]

E. WEAKS MCKINNEY-SMITH

ORDER AFTER FURTHER CONFERENCE, AND CONTINUANCE

In re application of E. Weaks McKinney-Smith, Paducah, Kentucky, Docket No. 11273, File No. BP-9263; For Construction Permit.

1. A prehearing conference was held on June 7, 1955, and the further conference prescribed by Rule 1.841 on July 1, applicant having filed its written case. The transcript of the further conference is incorporated by reference. The following specific rulings are made on the basis of the further conference proceedings:

2. As requested by the Broadcast Bureau, (a) applicant will submit a map showing the Paducah corporate limits; the nighttime coverage of the proposed operation is also to be shown; (b) applicant will depict the services rendered by all Class I stations to the areas included within the 0.1 mv/m, the 0.25 mv/m, and the 0.5 mv/m contours of the proposed station; (c) applicant will furnish the basis for its conclusion as to the alleged 6.8 mv/m limit of the proposed station (Tr. 57-63)

3. Because of the Hearing Examiner's schedule, it will be necessary further to continue the hearing date now set for July 12. Accordingly the hearing will begin instead on Thursday, July 21, 1955, at 10:00 a. m., in the offices of the Commission, Washington, D. C. It had been expected that respondent WQXR would supply its proposed exhibits by 5:00 p. m., on July 8. This date, however, was not firm (Tr. 70) Since the hearing is being continued, WQXR is directed to supply its proposed exhibits to the parties and the Hearing Examiner by July 15, at 5:00 p. m.

So ordered, this 8th day of July 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 55-5784; Filed, July 15, 1955; 8:46 a. m.]

[Docket No. 11404; FCC 55M-623]

NIAGARA BROADCASTING SYSTEM (WNIA)

ORDER CONTINUING HEARING

In re Application of Gordon P. Brown, tr/as Niagara Broadcasting System (WNIA), Cheektowaga, New York, Docket No. 11404, File No. BMP-6773; for Modification of Permit to Extend Completion Date.

The Hearing Examiner having under consideration a motion for continuance of hearing from July 11 to September 26, 1955, filed by applicant on June 29, 1955; a partial opposition filed by the Broadcast Bureau on July 5, 1955; and the oral argument of July 7, 1955;

It appearing that counsel for applicant is and will be engaged throughout July in other Commission proceedings which conflict with preparation for and trial of this case; that the Broadcast Bureau, although it does not object to a continuance to a date in July, opposes any continuance beyond that date; and

It further appearing that applicant has shown good cause for a continuance beyond July (an August date, however, not being feasible because of the Commission's recent action regarding August hearings) but that the matter should be heard as early in September as possible, it being understood that no further continuance will be allowed except for extraordinary cause;

It is ordered, This 8th day of July 1955, that the motion is granted to the extent that the hearing of July 11 is continued to Thursday, September 1, 1955. An exception is noted for the Broadcast Bureau.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 55-5785; Filed, July 15, 1955; 8:46 a. m.]

[Docket No. 11262]

AMERICAN SOUTHERN BROADCASTERS (WPWR)

ERRATA

In re Application of Carrol F. Jackson & D. N. Jackson, d/b as American Southern Broadcasters (WPWR) Laurel, Mississippi, Docket No. 11262, File No. BP-9440; For Construction Permit for New Standard Broadcast Station.

The Commission's Order of June 29, 1955 (FCC 55-726, Mimeo No. 20786), in the above-entitled proceeding is corrected so that the final ordering clause thereof shall read as follows:

It is further ordered, That the burden of proceeding and the burden of proof on issues 1, 2, and 3 set out above are placed upon the joint protestants, Southland Broadcasting Company and New Laurel Radio Station, Inc., and that as to issues 4 and 5 such burden is placed upon American Southern Broadcasters.

Released: July 11, 1955.

FEDERAL COMMUNICATIONS COMMISSON,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 55-5786; Filed, July 15, 1955; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-8697, etc.]

STANOLIND OIL AND GAS CO. ET AL.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

In the Matters of Stanolind Oil and Gas Company (Operator) et al., Docket No. G-8697; Continental Oil Company, Docket No. G-8696; Mississippi River Fuel Corporation, Docket No. G-9097.

The proposed natural gas rate increase proceedings In the Matter of Stanolind Oil and Gas Company (Operator) et al., Docket No. G-8697, and In the Matter of Continental Oil Company, Docket No. G-8696, were recessed on June 17, 1955, to reconvene on June 28, 1955, and upon request of Continental Oil Company were continued to reconvene on July 19, 1955.

On July 5, 1955, Mississippi River Fuel Corporation, the purchaser of natural gas affected by the applications for rate increases proposed in the above designated proceedings, filed with the Commission a Petition for Relief and Declaratory Order, Docket No. G-9097, wherein it is alleged that the interpretation and construction of the rate schedules and supplements which are proposed to be increased are the subject of dispute that requires adjudication by the Commission prior to the conclusion of the aforesaid proceedings in Docket Nos. G-8697 and G-8696.

The Commission finds:

(1) The issues raised by the Petition filed by Mississippi River Fuel Corporation (Mississippi) in Docket No. G-9097 concern the interpretation and construction of natural gas rate schedules and supplements filed by Stanolind Oil and Gas Company in Docket No. G-8697 and by Continental Oil Company in Docket No. G-8696 and pertain to volumes of gas for which Mississippi is obligated to pay.

(2) It is proper and in the public interest that the proceedings in Docket Nos. G-8697, G-8696, and G-9097 should be consolidated for hearing.

The Commission orders:

(A) The proceedings in Docket Nos. G-8697, G-8696, and G-9097 be and they hereby are consolidated for purposes of hearing.

(B) Pursuant to the authority contained in and subject to the authority conferred upon the Federal Power Commission by the Natural Gas Act, including particularly Sections 4, 5, 14, 15 and 16, a public hearing be held commencing July 19, 1955 at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by the petition filed by Mississippi River Fuel Corporation, as well as all other issues heretofore assigned for hearing.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's Rules of Practice and Procedure.

Adopted: July 8, 1955.

Issued: July 8, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F R. Doc. 55-5787; Filed, July 15, 1955; 8:47 a. m.]

[Docket No. E-6634]

CALIFORNIA ELECTRIC POWER CO.

NOTICE OF APPLICATION

JULY 7, 1955.

Take notice that on July 5, 1955, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by California Electric Power Company, a corporation organized under the laws of the State of Delaware and doing business in the States of California and Nevada, with its principal business office at Riverside, California, seeking an order authorizing the issuance and sale, by competitive bidding, of 230,000 shares of Common Stock, par value $1 per share, and $6,000,000 principal amount of First Mortgage Bonds, ____ percent Series due 1985. The Common Stock is proposed to be issued about August 31, 1955, and the First Mortgage Bonds are proposed to be issued about September 7, 1955. Said Bonds will mature September 1, 1985. Applicant proposes to use the proceeds from the sale of said Common Stock and Bonds to discharge short-term promissory notes and to finance the construction, completion, extension or improvement of its facilities; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 27th day of July 1955, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-5788; Filed, July 15, 1955; 8:47 a. m.]

[Docket No. G-7393]

COLORADO OIL AND GAS CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 8, 1955.

Take notice that Colorado Oil and Gas Corporation (Applicant) a Delaware corporation whose address is 311 Equitable Building, Denver, Colorado, filed on December 1, 1954, an application for a certificate of public convenience and necessity pursuant to Section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces and sells natural gas for transportation in interstate commerce for resale as indicated below:

Purchaser	Field	County	State
Northern Natural Gas Co	Hugoton	Kearny, Haskell & Stevens	Kansas.
Colorado Interstate Gas Co	Greenwood	Morton	Do.
Colorado Interstate Gas Co	Keyes	Cimarron	Oklahoma.
Tennessee Gas Trans. Co	North Louise	Wharton	Texas.
El Paso Natural Gas Co	San Juan	San Juan	New Mexico.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on July 29, 1955, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's Rules of Practice and Procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before July 27, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-5789; Filed, July 15, 1955; 8:47 a. m.]

[Docket No. G-8903]

WILCOX TREND GATHERING SYSTEM, INC.

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 8, 1955.

Take notice that Wilcox Trend Gathering System, Inc. (Applicant) a Delaware Corporation with its principal place of business in Dallas, Texas, filed an application on May 16, 1945, as supplemented on June 13, 1955, for a certificate of public convenience and necessity pursuant to Section 7 of the Natural Gas Act, authorizing Applicant to construct and operate facilities, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application, which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate the following facilities:

(1) A main line tap and approximately 2.05 miles of 3" pipeline extending southeasterly from the Kirkwood No. 1 Koenig well in the Barre and Koenig fields in the Arneckeville area, De Witt County, Tex., to Applicant's 16 inch O. D. main transmission line at Mile Post 41.4.

(2) A main line tap and three-3" pipelines have a total length of 0.083 mile connecting Kirkwood No. 1 Barre, Kirkwood No. 2-A Atkinson, and Kirkwood No. 3-A Atkinson wells in Barre and Koenig fields, Arneckeville area, De Witt County, Texas, to Applicant's 16 inch O. D. main transmission line at Mile Post 40.5.

Applicant is a transporter of natural gas for Texas Eastern Transmission Corporation to whom all gas purchase contracts between Wilcox Trend Gathering System, Inc., and various suppliers have been assigned.

Authorization to sell gas from the aforementioned wells of Kirkwood & Company to Texas Eastern Transmission Corporation has already been granted in Docket No. G-8797.

Applicant states that the purpose of the facilities proposed herein is to connect these new sources of gas supply to its pipeline system.

The total cost of the proposed facilities is estimated to be $47,000 and Applicant proposes to finance the project from funds on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on July 29, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dis-

pose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's Rules of Practice and Procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before July 25, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-5790; Filed, July 15, 1955; 8:47 a. m.]

[Docket No. G-8550]

DAVIDOR & DAVIDOR

NOTICE OF CONTINUANCE OF HEARING

JULY 8, 1955.

Upon consideration of the motion of Davidor & Davidor, filed July 5, 1955, for continuance of the hearing now scheduled for July 14, 1955, in the above-designated matter;

The hearing now scheduled for July 14, 1955, is hereby postponed to September 22, 1955, at 10:00 a. m., e. d. s. t., in the Commission's Hearing Room, 441 G Street NW., Washington, D. C.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-5791; Filed, July 15, 1955; 8:47 a. m.]

[Docket No. G-8715]

HARPER-TURNER OIL CO. ET AL.

NOTICE OF CONTINUANCE OF HEARING

JULY 8, 1955.

Upon consideration of the motion of Harper-Turner Oil Company, et al., filed July 5, 1955, for continuance of the hearing now scheduled for July 12, 1955, in the above-designated matter;

The hearing now scheduled for July 12, 1955, is hereby postponed to September 20, 1955, at 10:00 a. m., e. d. s. t., in the Commission's Hearing Room, 441 G Street NW., Washington, D. C.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-5792; Filed, July 15, 1955; 8:48 a. m.]

[Docket No. G-8848]

VAUGHEY AND VAUGHEY

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 11, 1955.

Take notice that Vaughey and Vaughey, a Copartnership hereinafter referred to as "Applicant" whose address is 1650 Denver Club Building, Denver 2, Colorado, filed on May 2, 1955, an application for a certificate of public convenience and necessity pursuant to Section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas produced from the West Peetz Field, Logan County, Colorado, to Kansas-Nebraska Natural Gas Company, Inc., at 10 cents per Mcf for transportation in interestate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 4, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 29, 1955. Failure of any party to appear at and participate in the hearing shall be construed as a waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-5793; Filed, July 15, 1955; 8:48 a. m.]

[Docket No. G-8870]

LONE STAR GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 11, 1955.

Take notice that Lone Star Gas Company (Applicant) a Texas corporation with a principal office in Dallas, Texas, filed on May 9, 1955, an application pursuant to Section 7 of the Natural Gas Act for (a) a certificate of public convenience and necessity and (b) for permission to abandon facilities subject to the jurisdiction of the Commission as hereinafter described, all as more fully represented in the application which is on file with the Commission and open for public inspection. The facilities are:

I. *To be constructed.* Line 71-23-2 be extended approximately 350 feet from Station 619+87 in a westerly direction to Line A-20 in Wichita County, Texas.

II. *To be abandoned.* (a) Approximately 6,380 feet of 6-inch of line 71-23-2 from Station 619+87 to Station 683+67 (the end of said pipeline near Wichita Falls, Texas)

(b) Approximately 4,088 feet of 6-inch of line 71-23-2 between Station 39+84 to Station 80+72 near Burkburnett, Texas.

The application recites that the proposed abandonment will not result in the abandonment or cessation of service to any customer or consumer.

The estimated total cost of the project is $6,330 of which $3,880 will be for removal of facilities. The 10,468 feet of 6-inch pipe to be salvaged had an original cost value of $8,312.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on August 16, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: Provided, however, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's Rules of Practice and Procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before August 5, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-5794; Filed, July 15, 1955; 8:48 a. m.]

[Docket No. G-9057]

SQUAW OIL CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 11, 1955.

Take notice that Squaw Oil Company (Applicant), a Pennsylvania corporation whose address is Holbrook, Pennsylvania, filed on June 20, 1955, an application for a certificate of public convenience and necessity pursuant to Section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas produced from the Old State Road Field,

McKim and Grant Districts, Pleasants and Ritchie Counties, West Virginia, to Hope Natural Gas Company at 20 cents per Mcf for transportation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on August 4, 1955, at 9:35 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's Rules of Practice and Procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before July 29, 1955. Failure of any party to appear at and participate in the hearing shall be construed as a waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-5795; Filed, July 15, 1955; 8:48 a. m.]

[Project No. 2114]

PUBLIC UTILITY DISTRICT NO. 2 OF GRANT COUNTY, WASH.

NOTICE OF APPLICATION FOR LICENSE

JULY 11, 1955.

Public notice is hereby given that Public Utility District No. 2 of Grant County, Washington, of Ephrata, Washington, has filed application under the Federal Power Act (16 U. S. C. 791a–825r) for license for proposed water-power Project No. 2114, to be known as the Priest Rapids Hydroelectric Development and located on the Columbia River in Benton, Chelan, Douglas, Grant, Kittitas, and Yakima Counties, Washington, and to consist of two similar projects, to be known as the Priest Rapids Project (River Mile 397, from mouth of Columbia River) and the Wanapum Project (River Mile 415) each project consisting of a concrete ogee spillway section containing 22 tainter gates; rockfill embankments connecting the concrete spillways and powerhouses to the high ground at both abutments; provisions for passage of upstream migratory fish; design provisions for construction of future navigation locks; a reservoir formed by each dam for operation of relevant plant as a run-of-river unit without storage; a powerhouse, integral with the dam, each plant to contain eight vertical shaft, Kaplan turbines, with skeleton provisions for two similar future units (ultimately eight future units at each project) the Priest Rapids turbines to be rated for 114,000 horsepower each (total 912,000 horsepower initial; 1,824,000 horsepower potential final) connected to generators rated at 79,000 kva each (total 600,000 kw initial) the Wanapum turbines to be rated for 108,000 horsepower each (total 864,000 horsepower initial; 1,728,000 horsepower potential final) connected to generators rated at 75,000 kva each (total 570,000 kw initial) and transmission facilities. Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure of the Commission (18 CFR 1.8 or 1.10) the time within which such petitions must be filed being specified in the rules. The last date upon which protests may be filed is August 18, 1955. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-5796; Filed, July 15, 1955; 8:48 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation 4]

EDIBLE TREE NUTS

NOTICE OF INVESTIGATION AND HEARING

The United States Tariff Commission, on the 11th day of July 1955, ordered a public hearing in the above-entitled investigation to be held on the 30th day of August 1955 at 10 a. m., e. d. s. t., in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D. C. The purpose of the hearing is to receive information and views from interested parties as to programs of the United States Department of Agriculture which will be in operation for the crop year 1955–56 with respect to almonds, filberts, walnuts, or pecans, and on the question as to what action, if any should be taken under section 22 with respect to imports of almonds, filberts, or walnuts. This hearing will not include Brazil nuts or cashew nuts.

Request to appear Interested parties desiring to appear and to be heard at the public hearing should notify the Secretary of the Commission in writing at its offices in Washington, D. C., at least three days in advance of the date set for the hearing.

History of investigation. Investigation No. 4 under section 22 of the Agricultural Adjustment Act, as amended, is a continuing investigation which was originally instituted on April 13, 1950. This investigation relates to imports of almonds, filberts, walnuts, Brazil nuts, and cashews, and the programs of the Department of Agriculture with respect to almonds, filberts, walnuts, and pecans. During the period since the institution of this investigation, the Commission has held several hearings. At the present time the following import restrictions are in effect on the basis of Investigation No. 4: A fee of 10 cents per pound, but not more than 50 per centum ad valorem, on certain almonds, entered, or withdrawn from warehouse, for consumption during the period October 1, 1954, to September 30, 1955, inclusive, in excess of 5 million pounds, and a like fee on certain filberts, entered, or withdrawn from warehouse, for consumption during this same period in excess of 6 million pounds. (A report on a supplementary investigation to determine whether the restrictions on filberts during the current quota year should be modified was submitted to the President on July 1, 1955.)

I hereby certify that the above hearing was ordered by the United States Tariff Commission on the 11th day of July 1955.

Issued: July 12, 1955.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 55-5801; Filed, July 15, 1955; 8:49 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[DPAV—1 (o)]

ADDITIONS TO AND DELETIONS FROM LIST OF COMPANIES ACCEPTING REQUEST TO PARTICIPATE IN VOLUNTARY PLAN TO CONTRIBUTE TANKER CAPACITY

Pursuant to section 708 of the Defense Production Act of 1950, as amended, there are herewith published the following additions to and deletions from the list of companies which have accepted the request to participate in the voluntary plan entitled. "Voluntary Plan under Public Law 774, 81st Congress, for the Contribution of Tanker Capacity for National Defense Requirements," dated January 18, 1951, which request, original list of companies accepting such request, and the voluntary plan were published in 16 F R. 1964, on March 1, 1951. Subsequent changes in the list were published in 16 F R. 3315, 3931, 6545, 8378, 9734; 17 F R. 1161, 2400, 11074; 18 F R. 2804, 5376; 19 F R. 2916, 3950; 20 F R. 255 and 475.

Additions

Yarmouth Steamship Corp., in care of Orion Shipping & Trading Co., Inc., 80 Broad Street, New York 4, N. Y.

Deletions

American Pacific Steamship Co., 541 S. Spring Street, Los Angeles 15, Calif.

Coastal Oil Co., 60 Park Place, Newark 2, N. J.

Edison Tanker Co., Inc., 25 Broadway, New York 4, N. Y.

Polarus Steamship Co., Inc., 30 Broad Street, New York 4, N. Y.

North American Shipping & Trading Co., Inc., 52 Broadway, New York 4, N. Y.

(Sec. 708, 64 Stat. 818, as amended; 50 U. S. C. App. Sup. 2158; Executive Order 10480, August 14, 1953, 18 F. R. 4939)

Dated: July 14, 1955.

ARTHUR S. FLEMMING,
Director

[F. R. Doc. 55-5836; Filed, July 14, 1955; 2:43 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3394]

NEW ENGLAND ELECTRIC SYSTEM AND NORTHERN BERKSHIRE ELECTRIC CO.

NOTICE OF FILING REGARDING PROPOSED ISSUANCE AND SALE OF COMMON STOCK BY SUBSIDIARY TO PARENT

JULY 11, 1955.

Notice is hereby given that New England Electric System ("NEES") a registered holding company, and its public-utility subsidiary, Northern Berkshire Electric Company ("Northern Berkshire") have filed a joint application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") Applicants have designated sections 6 (b) and 10 of the act and Rule U-42 (b) (2) promulgated thereunder as applicable to the proposed transactions, which are summarized as follows:

Northern Berkshire proposes to issue and sell 25,000 additional shares of common stock of the par value of $25 per share and NEES, the owner of all of the presently outstanding common stock of Northern Berkshire, proposes to acquire said additional shares for a cash consideration of $875,000. Northern Berkshire proposes to apply the proceeds derived from said sale to the payment of a like amount of note indebtedness payable to NEES.

The joint application states that incidental services in connection with the proposed transactions will be performed by New England Power Service Company, an affiliated service company, at the actual cost thereof estimated not to exceed $1,500 with respect to Northern Berkshire and $300 with respect to NEES. The total expenses to be borne by Northern Berkshire and NEES are estimated at $2,500 and $300, respectively. The joint application further states that the Massachusetts Department of Public Utilities has jurisdiction over the proposed sale of common stock by Northern Berkshire and that no other State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

NEES and Northern Berkshire request that the Commission's order herein become effective forthwith upon issuance thereof.

Notice is further given that any interested person may, not later than July 26, 1955, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the joint application, as filed or as amended, may be granted as provided in Rule U-23 of the Rules and Regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 or take such other action as it deems appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-5798; Filed, July 15, 1955; 8:48 a. m.]

[File No. 70-3397]

STANDARD POWER AND LIGHT CORP.

NOTICE OF FILING OF DECLARATION REGARDING PROPOSAL TO EXTEND BANK LOAN FOR ONE YEAR

JULY 11, 1955.

Notice is hereby given that Standard Power and Light Corporation ("Standard Power") a registered holding company, has filed a declaration, pursuant to Sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("Act"), regarding a proposal to extend for one year from July 29, 1955, its outstanding bank loan indebtedness in the amount of $1,500,000 to The Hanover Bank of New York, New York ("Hanover Bank")

All interested persons are referred to the declaration on file in the office of this Commission for a statement of the transaction therein proposed which, together with certain related matters, may be summarized as follows:

Standard Power has heretofore been ordered by the Commission to liquidate and dissolve. In 1953 it retired its outstanding preferred stock pursuant to a plan approved by the Commission under Section 11 (e) of the Act and in connection therewith, on July 29, 1953, borrowed from the Hanover Bank $2,400,000 payable one year after date, with interest at 3½ percent, the company having the privilege to extend such loan subject to the approval of this Commission. On September 24, 1953, Standard Power reduced the loan by $900,000 and thereafter, with Commission approval by order dated July 23, 1954, the due date of the balance of the note was extended to July 29, 1955. Also, in connection with the proceeding involving the retirement of its preferred stock, Standard Power announced its intention, as soon as practicable, to request the Commission to modify its order requiring Standard Power to liquidate and dissolve so as to permit the company to remain in existence as an investment company registered under the Investment Company Act of 1940. On March 8, 1955, Standard Power filed a plan under section 11 (e) of the act for such purpose. Hearings have been held on such plan and the matter has been submitted to the Commission for decision.

Standard Power now proposes, pursuant to a loan extension agreement, to extend the payment of its bank loan indebtedness of $1,500,000 to the Hanover Bank for one year from July 29, 1955, with interest at 3¼ percent. The company will have the right at any time to prepay all or any part of the loan without premium.

In justification of the proposal to extend said bank loan, the company states that it is not practicable, nor is it in the best interests of the stockholders of the company, to pay the loan at its present maturity. It is represented, among other things, that to do so would require the sale of a substantial amount of portfolio securities with resulting loss of dividend income; that such sale of securities would complicate the company's tax situation with respect to its program to continue in existence as an investment company and that Standard Power's assets and contemplated income are and will be more than sufficient to provide for the payment of the interest and principal of the bank loan within the period contemplated by the proposed extension thereof.

Notice is further given that any interested person may, not later than July 26, 1955, at 5:30 p. m., request the Commission in writing that a hearing be held on this matter, stating the nature of his interest, the reason for such request, and the issues of fact or law, if any, raised by said declaration which he proposes to controvert, or he may request to be notified if the Commission should order a hearing thereon. Any request shall be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the declaration, as filed or as it may hereafter be amended, may be permitted to become effective pursuant to Rule U-23 promulgated under the act, or the Commission may grant exemption from its Rules as provided in Rules U-20 (a) and U-100 thereof or take such other action as it deems appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-5799; Filed, July 15, 1955; 8:49 a. m.]